

Offered: 3/12/75
Referred: Rules

Original sponsor: Huber

1 IN THE SENATE BY THE JUDICIARY COMMITTEE

2 CS FOR SENATE BILL NO. 23

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 NINTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act relating to the Violent Crimes Compensation
7 Board; and providing for an effective date."

8 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

9 * Section 1. AS 18.67.010 is amended to read:

10 Sec. 18.67.010. PURPOSE. It is the purpose of this chapter to
11 facilitate and permit the payment of compensation to innocent persons
12 injured, [AND] to dependents of persons killed, and to certain other
13 persons who by virtue of their relationship to the victim of a crime
14 incur actual and reasonable expense as a result of certain serious
15 crimes or in attempts to prevent the commission of crime or to appre-
16 hend suspected criminals.

17 * Sec. 2. AS 18.67.020(a) is amended to read:

18 (a) There is the Violent Crimes Compensation Board in the Depart-
19 ment of Health and Social Services composed of three members to be
20 appointed by the governor. One of the members shall be designated as
21 chairman by the governor. At least one member shall be a medical or
22 osteopathic physician licensed to practice in this state and one member
23 shall be an attorney licensed to practice in this state.

24 * Sec. 3. AS 18.67.040(a) is amended to read:

25 Sec. 18.67.040. ACTION ON APPLICATION; HEARINGS. (a) Upon
26 application made under the provisions of this chapter, the board shall
27 consider the application and rule on it. The board may, upon its own
28 motion, order a hearing, specifying the time and place it is to be held;
29 if a hearing is ordered, the board shall give notice to the applicant.

1 If, after consideration without a hearing, the decision is unfavorable
2 to the applicant, in whole or in part, the board shall furnish him a
3 written statement of the reason for the ruling. If, within 30 days
4 after receipt of this statement, the applicant requests a hearing on
5 his application, the board shall specify [FIX] a time and place for a
6 hearing and shall give notice to the applicant. If no request for a
7 hearing is made within the specified time, the decision of the board is
8 final.

9 * Sec. 4. AS 18.67.050 is amended to read:

10 Sec. 18.67.050. ATTORNEY FEES. The board may, as part of an order
11 entered under this chapter, determine and allow reasonable attorney fees,
12 which may not exceed \$2,500 [15 PER CENT OF THE AMOUNT AWARDED AS COM-
13 PENSATION UNDER SEC. 70 OF THIS CHAPTER], to be paid [OUT OF BUT NOT]
14 in addition to the amount of the compensation, to the attorney repre-
15 senting the applicant. It is unlawful for the attorney to ask for,
16 contract for, charge, demand, collect or receive a larger sum than the
17 amount allowed by the board in addition to [IN THE] award. An attorney
18 who violates this section shall forfeit any fee awarded and shall repay
19 the state the fee awarded under this section.

20 * Sec. 5. AS 18.67.080(a)(2) is amended to read:

21 (2) in the case of personal injury or death of the victim,
22 to a person responsible or who had been responsible for the maintenance
23 of the victim who has suffered pecuniary loss or incurred expenses as
24 a result of the injury or death; or

25 * Sec. 6. AS 18.67.090 is amended to read:

26 Sec. 18.67.090. RECOVERY FROM COLLATERAL SOURCE. (a) Up to the
27 maximum set in sec. 130(c) of this chapter, the board may award compen-
28 sation for losses and expenses allowable under sec. 110 of this chapter
29 for which the applicant is not compensated by [THE BOARD SHALL DEDUCT

1 FROM COMPENSATION AWARDED UNDER THIS CHAPTER THE PAYMENTS RECEIVED FROM]
2 the offender or [FROM] a person on behalf of the offender, or by [FROM]
3 the United States, a state, or any of its subdivisions or agencies,
4 or a private source or emergency awards under sec. 120 of this chapter,
5 for injury or death compensable under this chapter.

6 (b) If compensation is awarded under this chapter and the person
7 receiving it also receives a collateral sum under (a) of this section
8 which has not been deducted from it, the board may require that he
9 refund either the amount of the collateral sum [HE SHALL REFUND TO THE
10 BOARD THE LESSER OF THE SUMS] or the amount of compensation paid to
11 him under this chapter, whichever is less.

12 * Sec. 7. AS 18.67.110(2) is amended to read:

13 (2) loss of earning power as a result of total or partial
14 incapacity of the victim, and reasonable expenses of job retraining of
15 or similar employment-oriented rehabilitative services for the victim;

16 * Sec. 8. AS 18.67.120(1) is amended to read:

17 (1) the amount of the emergency compensation may not exceed
18 \$1,500 [\$500];

19 * Sec. 9. AS 18.67.130(b) is amended to read:

20 (b) No compensation may be awarded if the victim

21 (1) is a relative of the offender;

22 (2) is, at the time of the personal injury or at the time
23 of the injury which results in the death of the victim living with the
24 offender as a member of the same [HIS] family or household, or main-
25 taining a sexual relationship, whether illicit or not, with the offender
26 [PERSON] or with a member of the offender's [HIS] family;

27 (3) violated a penal law of the state, which violation caused
28 or contributed to his injuries or death; or

29 (4) is injured as a result of the operation of a motor

1 vehicle, boat or airplane unless the vehicle was used as a weapon in a
2 deliberate attempt to injure or kill [RUN] the victim [DOWN].

3 * Sec. 10. AS 18.67.130(c) is amended to read:

4 (c) No compensation may be awarded under this chapter in an
5 amount in excess of \$25,000 per victim per incident. However, in the
6 case of the death of a victim who has more than one dependent eligible
7 for compensation, the total compensation which may be awarded as a
8 result of that death may not exceed \$40,000. The board may prorate
9 the total awarded among those dependents according to relative need.
10 All [\$10,000 AND ALL] payments shall be made in a lump sum.

11 * Sec. 11. AS 18.67 is amended by adding a new section to read:

12 Sec. 18.67.175. DUTY TO DISPLAY INFORMATION. (a) Every hospital
13 licensed by this state shall display prominently in its emergency room,
14 main entrance, and business office posters notifying the public of the
15 existence and general provisions of this chapter. The board may set
16 standards for the location of this display and shall provide posters
17 and general information regarding the provisions of this chapter to
18 each hospital and to each physician licensed to practice medicine in
19 the state.

20 (b) Every law enforcement agency in the state shall inform victims
21 of violent crimes, or their surviving dependents, of the provisions of
22 this chapter and shall provide application forms to the victims, or
23 their dependents, who desire to seek compensation under this chapter.
24 The board shall provide application forms, all other documents and
25 general information which law enforcement agencies may require to comply
26 with this subsection.

27 * Sec. 12. This Act takes effect immediately in accordance with AS 01.10.-
28 070(c).