

Original sponsor: Huber

Offered: 5/20/75

1 IN THE SENATE BY THE FREE CONFERENCE COMMITTEE

2 FREE CONFERENCE CS FOR HOUSE CS FOR 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  
29 held; if a hearing is ordered, the board shall give notice to the

1 applicant. If, after consideration without a hearing, the decision is  
2 unfavorable to the applicant, in whole or in part, the board shall  
3 furnish him a written statement of the reason for the ruling. If,  
4 within 30 days after receipt of this statement, the applicant requests a  
5 hearing on his application, the board shall specify [FIX] a time and  
6 place for a hearing and shall give notice to the applicant. If no  
7 request for a hearing is made within the specified time, the decision of  
8 the board is 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  
12 fees, which may not exceed 25 [15] per cent of the first \$1,000 amount  
13 awarded as compensation, 15 per cent of the next \$9,000 amount awarded  
14 as compensation, and 7.5 per cent of the amount awarded as compensation  
15 over \$10,000 under sec. 70 of this chapter, to be paid [OUT OF BUT NOT]  
16 in addition to the amount of the compensation, to the attorney repre-  
17 senting the applicant. It is unlawful for the attorney to ask for,  
18 contract for, charge, demand, collect or receive a larger sum than the  
19 amount allowed by the board in the award of attorney fees. An attorney  
20 who violates this section shall forfeit any fee awarded and shall repay  
21 the state the fee awarded under this section.

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

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

27 \* Sec. 6. AS 18.67.090 is amended to read:

28 Sec. 18.67.090. RECOVERY FROM COLLATERAL SOURCE. (a) Up to the  
29 maximum set in sec. 130(c) of this chapter, the board may award compen-

1 sation for losses and expenses allowable under sec. 110 of this chapter  
2 for which the applicant is not compensated by [THE BOARD SHALL DEDUCT  
3 FROM COMPENSATION AWARDED UNDER THIS CHAPTER THE PAYMENTS RECEIVED FROM]  
4 the offender or [FROM] a person on behalf of the offender, or by  
5 [FROM] the United States, a state, or any of its subdivisions or agen-  
6 cies, or a private source or emergency awards under sec. 120 of this  
7 chapter, for injury or death compensable under this chapter.

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

14 (c) Notwithstanding the provisions of (a) and (b) of this section,  
15 in the case of the death of a victim, the value of a life insurance  
16 policy may not be considered a collateral sum that may be deducted under  
17 this section.

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

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

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

23 (1) the amount of the emergency compensation may not exceed  
24 \$1,500 [\$500];

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

26 (b) No compensation may be awarded if the victim  
27 (1) is a relative of the offender;  
28 (2) is, at the time of the personal injury or at the time of  
29 the injury which results in the death of the victim living with the

1 offender as a member of the same [HIS] family or household, or main-  
2 taining a sexual relationship, whether illicit or not, with the offender  
3 [PERSON] or with a member of the offender's [HIS] family;

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

6 (4) is injured as a result of the operation of a motor  
7 vehicle, boat or airplane unless the vehicle was used as a weapon in a  
8 deliberate attempt to injure or kill [RUN] the victim [DOWN].

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

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

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

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

26 (b) Every law enforcement agency in the state shall inform  
27 victims of violent crimes, or their surviving dependents, of the  
28 provisions of this chapter and shall provide application forms to the  
29 victims, or their dependents, who desire to seek compensation under

1 this chapter. The board shall provide application forms, all other  
2 documents and general information which law enforcement agencies may  
3 require to comply with this subsection.

4 \* Sec. 12. This Act takes effect immediately in accordance with AS  
5 01.10.070(c).

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