

Original sponsors: Ziegler and Huber

Offered: 5/16/78
Referred: Rules

1 IN THE SENATE

BY THE JUDICIARY COMMITTEE

2 HOUSE CS FOR CS FOR SENATE BILL NO. 488

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 TENTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act relating to compensation for criminal injuries."

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

8 * Section 1. AS 18.67.020(a) is amended to read:

9 (a) There is the Violent Crimes Compensation Board in the Depart-
10 ment of Public Safety [HEALTH AND SOCIAL SERVICES] composed of three
11 members to be appointed by the governor. One of the members shall be
12 designated as chairman by the governor. At least one member shall be a
13 medical or osteopathic physician licensed to practice in this state.

14 * Sec. 2. AS 18.67 is amended by adding a new section to read:

15 Sec. 18.67.165. DISTRIBUTION OF MONEY RECEIVED AS A RESULT OF THE
16 COMMISSION OF CRIME. (a) Every person contracting with a person, or
17 the representative or assignee of a person, accused of a crime in this
18 state, with respect to the re-enactment of that crime, by way of a
19 movie, book, magazine article, radio or television presentation, live
20 entertainment of any kind, or from the expression of that person's
21 thoughts, feelings, opinions or emotions regarding the crime, shall pay
22 to the board any money which would otherwise by terms of the contract,
23 be owing to the person accused or his representatives. The board shall
24 deposit the money in an escrow account for the benefit of any victim of
25 a crime committed by the person and payable to a victim, provided that
26 the person accused is convicted of the crime and the victim, within five
27 years of the date of the crime, brings a civil action in a court of
28 competent jurisdiction and recovers a money judgment against the person
29 accused or his representatives.

1 (b) Upon disposition of charges favorable to a person accused of
2 committing a crime, or upon a showing by a person that five years have
3 elapsed from the establishment of the escrow account and no actions are
4 pending against that person under this section, the board shall immedi-
5 ately pay any money in the escrow account to that person.

6 (c) If an escrow account is established under this section, no
7 otherwise applicable statute of limitation on the time within which
8 civil action may be brought bars action by a victim of a crime committed
9 by the person accused or convicted of the crime as to a claim resulting
10 from the crime until five years has elapsed from the time the escrow
11 account was established.

12 (d) The board shall make payments from an escrow account to any
13 person accused of crime upon a court order after a showing by that
14 person that

15 (1) the money will be used for the exclusive purpose of
16 retaining legal representation at any stage of the proceedings against
17 that person, including the appeals process; and

18 (2) the person has insufficient assets, other than funds in
19 the escrow account and assets which could be claimed as exempt from
20 execution under state law, to provide for payment of expenses of legal
21 representation.

22 (e) Any action taken by a person convicted of a crime to defeat
23 the purpose of this section is void as against the public policy of this
24 state.