

Introduced: 2/16/82
Referred: Judiciary and Finance

1 IN THE HOUSE

BY HALFORD AND CLOCKSIN

2 HOUSE BILL NO. 869

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 TWELFTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act relating to crime victim compensation; and
7 providing for an effective date."

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

9 * Section 1. AS 18.67.080(a) is amended by adding a new paragraph to
10 read:

11 (4) to the provider of a service under AS 18.67.110(b).

12 * Sec. 2. AS 18.67.110 is amended by adding a new subsection to read:

13 (b) The board may order that compensation under (a) of this section
14 for a service provided as a result of the personal injury or death of
15 the victim be paid directly to the provider of the service.

16 * Sec. 3. AS 18.67.130(a) is amended to read:

17 (a) No order for the payment of compensation may be made under
18 AS 18.67.080 unless the application has been made within two years after
19 the date of the personal injury or death, and

20 (1) the personal injury or death was the result of an incident
21 or offense listed in AS 18.67.101 which had been reported to the police
22 within five days of its occurrence or, if the incident or offense could
23 not reasonably have been reported within that period, within five days
24 of the time when a report could reasonably have been made; and

25 (2) the applicant has not initiated the dismissal of criminal
26 charges against the offender for conduct that is the basis for the
27 applicant's claim for compensation.

28 * Sec. 4. AS 18.67.130(b) is amended to read:

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

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[(1) IS A RELATIVE OF THE OFFENDER;]

(2) is, at the time of application for compensation [THE PERSONAL INJURY OR AT THE TIME OF THE INJURY WHICH RESULTS IN THE DEATH OF THE VICTIM] living with the offender as a member of the same family or household, or maintaining a sexual relationship, whether illicit or not, with the offender [OR WITH A MEMBER OF THE OFFENDER'S FAMILY];

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

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

* Sec. 5. AS 18.67.130(c) is amended to read:

(c) No compensation may be awarded under this chapter in an amount in excess of \$25,000 per victim per incident. However, in the case of the death of a victim who has more than one dependent eligible for compensation, the total compensation which may be awarded as a result of that death may not exceed \$40,000. The board may prorate the total awarded among those dependents according to relative need. [ALL PAYMENTS SHALL BE MADE IN A LUMP SUM.]

* Sec. 5. AS 18.67 is amended by adding a new section to read:

Sec. 18.67.135. FORFEITURE OF COMPENSATION. A person awarded compensation under this chapter shall repay the compensation to the state and shall be ineligible for future compensation for additional personal injuries inflicted by the same offender, if the person initiates the dismissal of criminal charges against the offender for conduct that is the basis for the person's claim for compensation.

* Sec. 7. This Act takes effect immediately in accordance with AS 01.10.-070(c).