

Introduced: 1/9/84  
Referred: Judiciary and  
Finance

1 IN THE HOUSE BY FURNACE, BARNES AND LARSON

2 HOUSE BILL NO. 454

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 THIRTEENTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act providing compensation for innocent victims  
7 who suffer property damage or economic loss as the  
8 result of activities of a law enforcement agency."

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

10 \* Section 1. AS 18.67.010 is amended to read:

11 Sec. 18.67.010. PURPOSE. It is the purpose of this chapter to  
12 facilitate and permit the payment of compensation to innocent persons  
13 injured, to dependents of persons killed, and to certain other persons  
14 who by virtue of their relationship to the victim of a crime incur  
15 actual and reasonable expense as a result of certain serious crimes or  
16 in attempts to prevent the commission of crime or to apprehend sus-  
17 pected criminals. It is also the purpose of this chapter to facili-  
18 tate and permit the payment of compensation to innocent victims who  
19 suffer property damage as a result of activities of a law enforcement  
20 agency in preventing the commission of crime or apprehending suspected  
21 criminals.

22 \* Sec. 2. AS 18.67.030(b) is amended to read:

23 (b) In order to be eligible for compensation for personal injury  
24 or death under this chapter, the applicant shall, before a hearing on  
25 an application under this chapter, submit reports, if reasonably  
26 available, from all physicians or surgeons who have treated or ex-  
27 amined the victim in relation to the injury for which compensation is  
28 claimed at the time of or subsequent to the victim's injury or death.  
29 If, in the opinion of the board, reports on the previous medical

1 history of the victim, a report on the examination of the injured  
2 victim, or a report on the cause of death of the victim by an impar-  
3 tial medical expert would be of material aid to its determination, the  
4 board shall order the reports and examination.

5 \* Sec. 3. AS 18.67.070 is amended to read:

6 Sec. 18.67.070. STANDARDS FOR COMPENSATION. For the purpose of  
7 determining the amount of compensation payable under this chapter, the  
8 board shall, insofar as practicable, formulate standards for uniform  
9 application of this chapter and take into consideration rates and  
10 amounts of compensation payable for property damages, injuries, and  
11 death under other laws of the state and of the United States and the  
12 availability of funds appropriated for the purposes of this chapter.

13 \* Sec. 4. AS 18.67.080(a) is amended to read:

14 (a) In a case in which a person is injured or killed by an  
15 incident specified in AS 18.67.101(a)(1) [AS 18.67.101(1)], or by the  
16 act of any other person which is within the description of offenses  
17 listed in AS 18.67.101(a)(2), or in a case in which a person suffers  
18 property damage as set out in AS 18.67.101(b) [AS 18.67.101(2)], the  
19 board may order the payment of compensation in accordance with the  
20 provisions of this chapter:

21 (1) to or for the benefit of the injured person or the  
22 person who suffered the property damage;

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

27 (3) in the case of death of the victim, to or for the  
28 benefit of one or more of the dependents of the victim; or

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

1 \* Sec. 5. AS 18.67.101 is amended by adding a new subsection to read:

2 (b) The board may order the payment of compensation in accor-  
3 dance with the provisions of this chapter for property damage that  
4 results from law enforcement agency activities in the prevention of  
5 crime or apprehension of suspected criminals.

6 \* Sec. 6. AS 18.67.110(a) is amended to read:

7 (a) The board may order the payment of compensation under this  
8 chapter for

9 (1) expenses actually and reasonably incurred as a result  
10 of the personal injury or death of the victim;

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

14 (3) pecuniary loss to the dependents of the deceased vic-  
15 tim; [AND]

16 (4) pecuniary loss to the victim as set out in AS 18.67.-  
17 101(b); and

18 (5) any other loss resulting from the personal injury or  
19 death of the victim which the board determines to be reasonable.

20 \* Sec. 7. AS 18.67.130(a) is amended to read:

21 (a) No order for the payment of compensation may be made under  
22 AS 18.67.080 unless

23 (1) the application has been made within two years after  
24 the date of the personal injury, [OR] death or property damage;

25 (2) the personal injury, [OR] death, or property damage was  
26 the result of an incident or offense listed in AS 18.67.101 that had  
27 been reported to the police within five days of its occurrence or, if  
28 the incident or offense could not reasonably have been reported within  
29 that period, within five days of the time when a report could

1 reasonably have been made; and  
2 (3) in the discretion of the board, the applicant has  
3 cooperated with law enforcement and prosecution officials to further  
4 prosecution of the offender if appropriate and to avoid further injury  
5 by the offender to the applicant and injury to persons in the care of  
6 the applicant who are exposed to possible injury by the offender.

7 \* Sec. 8. AS 18.67.130(b) is amended to read:

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

9 [(1) Repealed

10 (2) Repealed]

11 (1) [(3)] violated a penal law of the state, which vio-  
12 lation caused or contributed to the victim's [HIS] injuries or death;  
13 or

14 (2) [(4)] is injured as a result of the operation of a  
15 motor vehicle, boat or airplane unless the vehicle was used by the  
16 offender while intoxicated or as a weapon in deliberate attempt to  
17 injure or kill the victim or to elude pursuing law enforcement offi-  
18 cers.

19 \* Sec. 9. AS 18.67.175(b) is amended to read:

20 (b) Every law enforcement agency in the state shall inform  
21 victims of violent crimes, or their surviving dependents, and victims  
22 who suffer property damage as a result of law enforcement agency  
23 activities in the prevention of crime or apprehension of suspected  
24 criminals, of the provisions of this chapter and shall provide appli-  
25 cation forms to the victims, or their dependents, who desire to seek  
26 compensation under this chapter. The board shall provide application  
27 forms, all other documents and general information which law enforce-  
28 ment agencies may require to comply with this subsection.

29 \* Sec. 10. AS 18.67.180(5) is amended to read:

1                   (5) "victim" means a person who is injured or killed by an  
2                   incident or offense specified in AS 18.67.101(a) or who suffers prop-  
3                   erty damage as specified in AS 18.67.101(b) [AS 18.67.101].