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Referred: Judiciary and
Finance

1 IN THE HOUSE

BY LACHER

2

HOUSE BILL NO. 669

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 whose property is damaged by correctional facility
8 escapees."

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 whose
19 property is damaged by a person who is attempting to escape a correc-
20 tional facility or who is at large after escaping from a correctional
21 facility.

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 damage, 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 specified 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 by a
4 person who is attempting to escape from a correctional facility or who
5 is at large after escaping from a correctional facility.

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 under AS 18.67.101(b); and

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

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

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

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

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

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

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

7 (b) Compensation [NO COMPENSATION] may not be awarded if the
8 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 property damage, [HIS]
13 injuries or death; 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.

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

19 (b) Every law enforcement agency in the state shall inform
20 victims of violent crimes, or their surviving dependents, and victims
21 whose property is damaged by a person who is attempting to escape from
22 a correctional facility or who is at large after escaping from a
23 correctional facility of the provisions of this chapter and shall
24 provide application forms to the victims, or their dependents, who
25 desire to seek compensation under this chapter. The board shall
26 provide application forms, all other documents and general information
27 which law enforcement agencies may require to comply with this sub-
28 section.

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].

4 * Sec. 11. AS 18.67.180 is amended by adding new paragraphs to read:

5 (6) "correctional facility" means premises, or a portion of
6 premises, used for the confinement of persons under official deten-
7 tion;

8 (7) "official detention" means custody, arrest, surrender
9 in lieu of arrest, or confinement under an order of a court in a
10 criminal or juvenile proceeding, other than an order of conditional
11 bail release.