

Offered: 4/29/89
Referred: Judiciary and
Finance

6-1111E

Original sponsor: Boyer

1 IN THE HOUSE BY THE STATE AFFAIRS COMMITTEE
2 CS FOR HOUSE BILL NO. 255 (State Affairs)
3 IN THE LEGISLATURE OF THE STATE OF ALASKA
4 SIXTEENTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act relating to permanent fund dividends for
7 certain individuals convicted of crimes and to the
8 exemption for permanent fund dividends from remedies
9 for the collection of debt; and providing for an
10 effective date."

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

12 * Section 1. AS 18.67.162 is amended to read:

13 Sec. 18.67.162. CRIME VICTIM COMPENSATION FUND. There is cre-
14 ated a crime victim compensation fund which shall be administered by
15 the Violent Crimes Compensation Board. The fund consists of money
16 appropriated to it by the legislature and of deposits made under (b)
17 of this section. The fund shall be administered in accordance with
18 the provisions of this chapter. Money distributed from the fund shall
19 be in addition to other sources of compensation provided in this
20 chapter.

21 * Sec. 2. AS 18.67.162 is amended by adding a new subsection to read:

22 (b) Notwithstanding any other law, the Department of Revenue
23 shall withhold all but \$50 from the permanent fund dividend of each
24 individual convicted of an offense listed under AS 18.67.101 and pay
25 that amount into the crime victim compensation fund. A payment into
26 the fund under this subsection has priority over other claims to the
27 dividend except those listed under AS 43.23.065(b)(1) and (2). Money
28 shall be withheld under this subsection from a dividend for a year if,
29 on April 1 of that year as a result of the conviction of an offense

1 listed under AS 18.67.101, the individual is
2 (1) in a correctional facility;
3 (2) on furlough under AS 33.30.101 - 33.30.131;
4 (3) in a community residential center as a condition of
5 probation or parole;
6 (4) in a correctional restitution center under AS 33.30.-
7 151 - 33.30.181; or
8 (5) on probation or parole.

9 *Sec. 3. AS 43.23 is amended by adding a new section to read:

10 Sec. 43.23.007. DIVIDENDS OF INCARCERATED INDIVIDUALS. (a)

11 Notwithstanding the application requirements of AS 43.23.005, only the
12 Department of Corrections may apply during a year for a dividend for
13 an incarcerated individual who is incarcerated on April 1 of that
14 year. An application under this subsection must be signed by the
15 incarcerated individual and the commissioner of corrections or an
16 employee of the Department of Corrections authorized by the commis-
17 sioner to sign applications.

18 (b) The Department of Corrections shall notify each incarcerated
19 individual of the requirements of this section and apply for a perma-
20 nent fund dividend for each individual who qualifies for a dividend
21 and agrees to sign the application.

22 (c) The Department of Corrections shall, by June 30 of each
23 dividend year, provide the Department of Revenue with a list of all
24 incarcerated individuals for whom the Department of Corrections has
25 applied for a dividend and all incarcerated individuals who are incar-
26 cerated on April 1 for whom the department has not applied for a
27 dividend. The Department of Revenue shall pay a dividend to the
28 Department of Corrections for an incarcerated individual who is eligi-
29 ble for a dividend and on whose behalf a timely application was filed.

1 The Department of Corrections shall hold in trust each permanent fund
2 dividend it receives for an incarcerated individual and shall pay the
3 dividend to the individual upon the individual's release from incar-
4 ceration or upon receipt of the dividend, whichever is later.

5 (d) In this section, "incarcerated individual" means an indi-
6 vidual who is incarcerated as a result of conviction of a felony and
7 is

8 (1) in a correctional facility;

9 (2) on furlough under AS 33.30.101 - 33.30.131;

10 (3) in a community residential center as a condition of
11 probation or parole; or

12 (4) in a correctional restitution center under AS 33.30.-
13 151 - 33.30.181.

14 * Sec. 4. AS 43.23.015(e) is amended to read:

15 (e) Except as provided in AS 43.23.007, if [IF] a public agency
16 claims a permanent fund dividend on behalf of an individual, the
17 public agency shall hold the dividend in trust for the individual.
18 Money held in trust under this subsection shall be invested by the
19 commissioner in accordance with AS 37.10.070.

20 * Sec. 5. AS 43.23.035 is amended by adding a new subsection to read:

21 (d) An individual who intentionally violates AS 43.23.007(a) is
22 guilty of a class A misdemeanor.

23 * Sec. 6. AS 43.23.065(a) is amended to read:

24 (a) Except as provided in (b) of this section, \$50 [50 PERCENT]
25 of the annual permanent fund dividend payable to an individual or to
26 the Department of Corrections under AS 43.23.007 is exempt from levy,
27 execution, garnishment, attachment, or any other remedy for the col-
28 lection of debt. This exemption applies to an eligible individual's
29 permanent fund dividend both before and after payment is made to the

1 individual.

2 * Sec. 7. AS 43.23.065(b) is amended to read:

3 (b) An exemption of only \$50 is [NOT] available under this
4 section for permanent fund dividends taken to satisfy

5 (1) child support obligations required by court order or
6 decision of the child support enforcement agency under AS 47.23.140 -
7 47.23.220;

8 (2) court ordered restitution under AS 12.55.045 - 12.55.-
9 051 or 12.55.100;

10 (3) a court ordered probation fee under AS 12.55.105; or

11 (4) a debt owed by an eligible individual to an agency of
12 the state, unless the debt is contested and an appeal is pending, or
13 the time limit for filing an appeal has not expired.

14 * Sec. 8. AS 43.23.005(d), 43.23.025(b), 43.23.055(5) and 43.23.055(6)
15 are repealed.

16 * Sec. 9. Section 5, ch. 54, SLA 1988 is repealed.

17 * Sec. 10. This Act takes effect immediately under AS 01.10.070(c).