

"An Act relating to the Violent Crimes Compensation Board, and providing for an effective date."

COMMITTEE REPORT

3/25/75

HOUSE

REVENUE

Mr. Speaker:

Date 5/1/75

The Committee on FINANCE ENGINEERING has had CSSE 23 AM

under consideration. A Majority of the members of the Committee

recommends it DO PASS

recommends it DO NOT PASS

recommends it DO PASS WITH ATTACHED AMENDMENT(S)

recommends it BE REPLACED WITH CS FOR _____ AND THAT

CS FOR _____ DO PASS

"and" recommends it BE REFERRED TO THE _____

COMMITTEE

reports it back WITHOUT RECOMMENDATION

"other"

Members signing the Majority report:

_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

Members NOT concurring in the Majority report:

_____ recommends:

_____ recommends:

_____ recommends:

_____ recommends:

_____ recommends:

John Love Chairman

Offered: 3/12/75
Referred: Rules

Original sponsor: Huber

1 IN THE SENATE

BY THE JUDICIARY COMMITTEE

2 CS FOR SENATE BILL NO. 23 am

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 NINTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act relating to the Violent Crimes Compensation
7 Board; and providing for an effective date."

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

9 * Section 1. AS 18.67.010 is amended to read:

10 Sec. 18.67.010. PURPOSE. It is the purpose of this chapter to
11 facilitate and permit the payment of compensation to innocent persons
12 injured, [AND] to dependents of persons killed, and to certain other
13 persons who by virtue of their relationship to the victim of a crime
14 incur actual and reasonable expense as a result of certain serious
15 crimes or in attempts to prevent the commission of crime or to appre-
16 hend suspected criminals.

17 * Sec. 2. AS 18.67.020(a) is amended to read:

18 (a) There is the Violent Crimes Compensation Board in the Depart-
19 ment of Health and Social Services composed of three members to be
20 appointed by the governor. One of the members shall be designated as
21 chairman by the governor. At least one member shall be a medical or
22 osteopathic physician licensed to practice in this state and one member
23 shall be an attorney licensed to practice in this state.

24 * Sec. 3. AS 18.67.040(a) is amended to read:

25 Sec. 18.67.040. ACTION ON APPLICATION; HEARINGS. (a) Upon
26 application made under the provisions of this chapter, the board shall
27 consider the application and rule on it. The board may, upon its own
28 motion, order a hearing, specifying the time and place it is to be held;
29 if a hearing is ordered, the board shall give notice to the applicant.

1 If, after consideration without a hearing, the decision is unfavorable
2 to the applicant, in whole or in part, the board shall furnish him
3 a written statement of the reason for the ruling. If, within 30 days
4 after receipt of this statement, the applicant requests a hearing on
5 his application, the board shall specify [FIX] a time and place for a
6 hearing and shall give notice to the applicant. If no request for a
7 hearing is made within the specified time, the decision of the board
8 is final.

9 * Sec. 4. AS 18.67.050 is amended to read:

10 Sec. 18.67.050. ATTORNEY FEES. The board may, as part of an
11 order entered under this chapter, determine and allow reasonable
12 attorney fees, which may not exceed \$2,500 [15 PER CENT OF THE AMOUNT
13 AWARDED AS COMPENSATION UNDER SEC. 70 OF THIS CHAPTER], to be paid
14 [OUT OF BUT NOT] in addition to the amount of the compensation, to
15 the attorney representing the applicant. It is unlawful for the
16 attorney to ask for, contract for, charge, demand, collect or receive a
17 larger sum than the amount allowed by the board in the award of attorney
18 fees. An attorney who violates this section shall forfeit any fee
19 awarded and shall repay the state the fee awarded under this section.

20 * Sec. 5. AS 18.67.080(a)(2) is amended to read:

21 (2) In the case of personal injury or death of the victim,
22 to a person responsible or who had been responsible for the maintenance
23 of the victim who has suffered pecuniary loss or incurred expenses as
24 a result of the injury or death; or

25 * Sec. 6. AS 18.67.090 is amended to read:

26 Sec. 18.67.090. RECOVERY FROM COLLATERAL SOURCE. (a) Up to the
27 maximum set in sec. 130(c) of this chapter, the board may award compen-
28 sation for losses and expenses allowable under sec. 110 of this chapter
29 for which the applicant is not compensated by [THE BOARD SHALL DEDUCT

1 FROM COMPENSATION AWARDED UNDER THIS CHAPTER THE PAYMENTS RECEIVED
2 FROM] the offender or [FROM] a person on behalf of the offender, or by
3 [FROM] the United States, a state, or any of its subdivisions or agencies,
4 or a private source or emergency awards under sec. 120 of this chapter,
5 for injury or death compensable under this chapter.

6 (b) If compensation is awarded under this chapter and the person
7 receiving it also receives a collateral sum under (a) of this section
8 which has not been deducted from it, the board may require that he
9 refund either the amount of the collateral sum [HE SHALL REFUND TO THE
10 BOARD THE LESSER OF THE SUMS] or the amount of compensation paid to
11 him under this chapter, whichever is less.

12 (c) Notwithstanding the provisions of (a) and (b) of this section,
13 in the case of the death of a victim, the value of a life insurance
14 policy may not be considered a collateral sum that may be deducted
15 under this section.

16 * Sec. 7. AS 18.67.110(2) is amended to read:

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

20 * Sec. 8. AS 18.67.120(i) is amended to read:

21 (1) the amount of the emergency compensation may not exceed
22 \$1,500 [\$500];

23 * Sec. 9. AS 18.67.130(b) is amended to read:

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

25 (1) is a relative of the offender;

26 (2) is, at the time of the personal injury or at the time
27 of the injury which results in the death of the victim living with the
28 offender as a member of the same [HIS] family or household, or main-
29 taining a sexual relationship, whether illicit or not, with the offender

1 [PERSON] or with a member of the offender's [HIS] family;

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

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

7 * Sec. 10. AS 18.67.130(c) is amended to read:

8 (c) No compensation may be awarded under this chapter in an
9 amount in excess of \$25,000 per victim per incident. However, in the
10 case of the death of a victim who has more than one dependent eligible
11 for compensation, the total compensation which may be awarded as a
12 result of that death may not exceed \$40,000. The board may prorate
13 the total awarded among those dependents according to relative need.
14 All [\$10,000 AND ALL] payments shall be made in a lump sum.

15 * Sec. 11. AS 18.67 is amended by adding a new section to read:

16 Sec. 18.67.175. DUTY TO DISPLAY INFORMATION. (a) Every hospital
17 licensed by this state shall display prominently in its emergency
18 room, main entrance, and business office posters notifying the public
19 of the existence and general provisions of this chapter. The board
20 may set standards for the location of this display and shall provide
21 posters and general information regarding the provisions of this
22 chapter to each hospital and to each physician licensed to practice
23 medicine in the state.

24 (b) Every law enforcement agency in the state shall inform
25 victims of violent crimes, or their surviving dependents, of the
26 provisions of this chapter and shall provide application forms to the
27 victims, or their dependents, who desire to seek compensation under
28 this chapter. The board shall provide application forms, all other
29 documents and general information which law enforcement agencies may

1 require to comply with this subsection.

2 * Sec. 12. This Act takes effect immediately in accordance with AS
3 01.10.070(c).

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Original sponsor: Gruening

Offered: 3/19/75
Referred: Rules

1 IN THE HOUSE

BY THE FINANCE COMMITTEE

2 *CS* *SB 23am* CS FOR ~~HOUSE BILL NO. 114 (FIN. TRC)~~

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 NINTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act relating to the Violent Crimes Compensation
7 Board; and providing for an effective date."

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9 * Section 1. AS 18.67.010 is amended to read:

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13 persons who by virtue of their relationship to the victim of a crime
14 incur actual and reasonable expense as a result of certain serious
15 crimes or in attempts to prevent the commission of crime or to appre-
16 hend suspected criminals.

17 * Sec. 2. AS 18.67.040(a) is amended to read:

18 Sec. 18.67.040. ACTION ON APPLICATION; HEARINGS. (a) Upon
19 application made under the provisions of this chapter, the board shall
20 consider the application and rule on it. The board may, upon its own
21 motion, order a hearing, specifying the time and place it is to be
22 held; if a hearing is ordered, the board shall give notice to the
23 applicant. If, after consideration without a hearing, the decision is
24 unfavorable to the applicant, in whole or in part, the board shall
25 furnish him a written statement of the reason for the ruling. If,
26 within 30 days after receipt of this statement, the applicant requests
27 a hearing on his application, the board shall specify [FIX] a time
28 and place for a hearing and shall give notice to the applicant. If
29 no request for a hearing is made within the specified time, the

1 IN THE SENATE

BY HUBER

2 SENATE BILL NO. 23

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 NINTH LEGISLATURE - FIRST SESSION

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23 the applicant. If, after consideration without a hearing, the decision
24 is unfavorable to the applicant, in whole or in part, the board shall
25 furnish him a written statement of the reason for the ruling. If, within
26 30 days after receipt of this statement, the applicant requests a hearing
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28 hearing and shall give notice to the applicant. If no request for a
29 hearing is made within the specified time, the decision of the board is

1 final.

2 * Sec. 3. AS 18.67.050 is amended to read:

3 Sec. 18.67.050. ATTORNEY FEES. The board may, as part of an order
4 entered under this chapter, determine and allow reasonable attorney fees,
5 which may not exceed 15 per cent of the amount awarded as compensation
6 under sec. 70 of this chapter, to be paid [OUT OF BUT NOT] in addition
7 to the amount of the compensation, to the attorney representing the
8 applicant. It is unlawful for the attorney to ask for, contract for,
9 charge, demand, collect or receive a larger sum than the amount allowed
10 by the board in addition to [IN THE] award. An attorney who violates
11 this section is guilty of a misdemeanor and, upon conviction, is
12 punishable by a fine of not less than \$500, or by imprisonment for not
13 more than one year, or by both, and shall forfeit any fee awarded and
14 shall repay the state the fee awarded under this section.

15 * Sec. 4. AS 18.67.080(a)(2) is amended to read:

16 (2) In the case of personal injury or death of the victim,
17 to a person responsible or who had been responsible for the maintenance
18 of the victim who has suffered pecuniary loss or incurred expenses as a
19 result of the injury or death; or

20 * Sec. 5. AS 18.67.090 is repealed and re-enacted to read:

21 Sec. 18.67.090. LIMITATION ON RECOVERY FROM COLLATERAL SOURCES.
22 The board may deduct from the final compensation awarded under this
23 chapter only that amount awarded to the applicant as emergency compensa-
24 tion under sec. 120 of this chapter.

25 * Sec. 6. AS 18.67.110(2) is amended to read:

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

29 * Sec. 7. AS 18.67.120(1) is amended to read:

1 (1) the amount of the emergency compensation may not exceed
2 \$1,500 [\$500];

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

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

5 (1) is a relative of the offender;

6 (2) is, at the time of the personal injury or at the time of
7 the injury which results in the death of the victim living with the
8 offender as a member of the same [HIS] family or household, or main-
9 taining a sexual relationship, whether illicit or not, with the offender
10 [PERSON] or with a member of the offender's [HIS] family;

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

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

16 * Sec. 9. AS 18.67.130(c) is amended to read:

17 (c) No compensation may be awarded under this chapter in an amount
18 in excess of \$25,000 per applicant per incident. However, in the case of
19 the death of a victim who has more than one dependent applying for com-
20 ensation, the total compensation which may be awarded as a result of
21 that death may not exceed \$25,000 awarded for one dependent plus \$5,000
22 for each additional dependent. All [\$10,000 AND ALL] payments shall be
23 made in a lump sum.

24 * Sec. 10. AS 18.67 is amended by adding new sections to read:

25 Sec. 18.67.175. DUTY TO DISPLAY INFORMATION. (a) Every hospital
26 licensed by this state shall display prominently in its emergency room
27 posters notifying the public of the existence and general provisions of
28 this chapter. The board shall set standards for the location of this
29 display and shall provide posters, application forms and general informa-

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(b) Every law enforcement agency in the state shall inform victims of violent crimes, or their surviving dependents, of the provisions of this chapter and shall provide application forms to the victims, or their dependents, who desire to seek compensation under this chapter. The board shall provide application forms, all other documents and general information which law enforcement agencies may require to comply with this subsection. The board shall set standards to be followed by law enforcement agencies for this purpose and may require them to file with the board a description of the procedures adopted by each agency to comply.

* Sec. 11. This Act takes effect immediately in accordance with AS 01.10.070(c).

The Legislature of the State of Alaska
FISCAL NOTE

REVISED

First Session - Ninth Legislature

I. REQUEST

Bill No. Senate Bill 23 as originally proposed by Senator Huber
Title: An Act Relating to the Violent Crimes Compensation Board
Requested by: _____ Date: 2/26/75
Return Date Requested: _____
Agency: Health & Social Services Program: Violent Crimes Compensation

II. FISCAL DETAIL Revised Original Submittal dated 2/20/75 which reflected total Budget Request Unit(s) Affected: 06-67-5-01

A. EXPENDITURES: (Thousands of dollars)

OBJECT	FY 75	FY 76	FY 77	FY 78	FY 79	FY 80
100 PERSONAL SERVICES					5.0	5.
200 TRAVEL		2.0	5.0	5.0	3.0	3.
300 CONTRACTUAL		28.0	34.0	35.0	42.0	44.
400 COMMODITIES						
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS, ETC.		120.0	190.0	250.0	270.0	300.
TOTAL		150.0	227.0	288.0	518.0	350.

B. FUNDING: (Thousands of dollars)

GENERAL FUND		150.0	227.0	288.0	318.0	350
FEDERAL FUNDS						
OTHER						

C. POSITIONS:

PERMANENT/TEMPORARY	2/	2/	2/	2/	2/1	2/
MAN MONTHS (P./T.)	24/	24/	24/	24/	24/6	24/1

III. ANALYSIS (See Fiscal Note Preparation Instructions, Section III)

Under Senate Bill 23 as proposed by Senator Huber the fiscal impact would be reflected in the award area as shown in the fiscal detail; the figures were arrived through:

- 1) projection of present awards and assumption that future Boards would maintain the same policy as prior Boards using new maximum and additional dependents of deceased victims coverage.
- 2) addition of 15% attorney fees instead of deduction from award; based on prior awards wherein claimant was represented by other than Alaska Legal Services.

(cont)

IV. ATTACHMENTS

List of awards made in FY74 with projections under this proposed legislation.

V. DATE: 2/26/75

PREPARED BY: Sarah M. Brown
Admin

Original: Legislative Finance
cc: Budget and Management
Prime Sponsor (First Legislator Named)

III. ANALYSIS (continued)

- 3) the added compensation for deceased dependents does not significantly increase awards as this type of claim is limited in numbers (only one has been reported) and only medical and reasonable burial expenses are compensated.
- 4) Although limitation on recovery from collateral sources is restricted to only deduction of an emergency award the Board could conceivably take insurance and other collateral sources into consideration under Section 18.67.110 (1) expenses actually and reasonably incurred.
- 5) Although the hearing requirement on all applications received is modified the requirement of all agencies having applications available would increase the number of questionable claims received and would therefore require more claims to come before a hearing, increasing the amounts needed in travel and contractual services.

Victim	Were Awarded	Award Under Huber Amendment	Additional 15% Attorney Fees
74-005	-0-	\$25,000.00	\$7,500.00
74-006	\$ 3,000.00	5,000.00	
74-007	3,000.00	5,000.00	
74-008	3,000.00	5,000.00	
74-009	500.00	5,000.00	
74-010	500.00	5,000.00	
74-011	1,140.00	25,000.00	
74-018	1,178.00	3,200.00	480.00
74-021	2,000.00	2,000.00	300.00
74-022	-0-	25,000.00	
74-022 (a)	2,500.00	5,000.00	
74-022 (b)	2,000.00	5,000.00	
74-022 (c)	2,000.00	5,000.00	
74-022 (d)	2,000.00	5,000.00	
74-022 (e)	1,500.00	5,000.00	
74-023	10,000.00	25,000.00	
74-023 (a)	-0-	5,000.00	
74-023 (b)	-0-	5,000.00	
74-023 (c)	-0-	5,000.00	
74-024	260.42	260.42	
74-025	5,760.00	15,000.00	
74-026	-0-	25,000.00	
74-029	6,950.00	25,000.00	
74-030	-0-	25,000.00	
74-031	651.35	651.35	
74-033	669.83	669.83	
74-038	500.00	500.00	75.00
74-040	7,401.78	7,401.78	1,110.26
74-047	3,816.99	3,816.99	572.55
TOTALS	\$60,328.37	\$273,500.37	\$10,037.81