

SB

77

COMMITTEE REPORT
SENATE

1/26/79

FURTHER: Finance

Date: 2-1-79

Mr. President:

The Committee on JUDICIARY has had SB 77

relating to compensation for criminal injuries

under consideration and (a majority of the committee) (the committee) reports it back with the following recommendations:

- do pass do not pass
- do pass with attached amendments(s)
- replace with CS for _____ same title
 new title
- and recommends _____
- AND attaches a "Letter of Intent" New Fiscal Note
- reports it back without recommendation
- referred to the _____ Committee

MEMBERS SIGNING
DO PASS

MEMBERS HAVING
OTHER RECOMMENDATIONS:

James C. ...

CHAIRMAN

VIOLENT CRIMES COMPENSATION BOARD



Fifth Annual Report

STATE OF ALASKA

STATE OF ALASKA

VIOLENT CRIMES COMPENSATION BOARD

FIFTH ANNUAL REPORT

1978



Mrs. Patricia Moore
Chairman

Russellyn S. Carruth
Member

Dr. Alistair C. Chalmers
Member

Nola K. Capp
Administrator

**STATE OF ALASKA
DEPARTMENT OF HEALTH AND SOCIAL SERVICES
VIOLENT CRIMES COMPENSATION BOARD
POUCH H02A
Juneau, Alaska 99811**

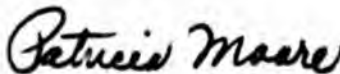
**THE HONORABLE JAY HAMMOND
GOVERNOR OF THE STATE OF ALASKA**

MEMBERS OF THE ALASKA STATE LEGISLATURE

Ladies and Gentlemen:

I have the honor to submit the Fifth Annual Report of the Violent Crimes Compensation Board for the period July 1, 1977 through June 30, 1978. Annual Reports are required under the provisions of Section 18.67.170 of the Laws of Alaska.

Respectfully,



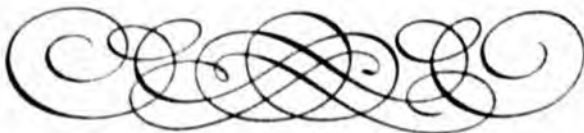
(Mrs.) Patricia Moore
Chairman

BOARD MEMBERS

*Mrs. Patricia Moore, Chairman
Alistair C. Chalmers, M.D.
Russellyn S. Carruth, Attorney
Nola K. Capp, Administrator*

TABLE OF CONTENTS

General Information	1
Processing of Applications.....	3
Statistical and Analytical Information.....	8
Public Awareness.....	11
Acknowledgements.....	11
Summary of Decisions.....	14



THE FIFTH ANNUAL REPORT OF THE VIOLENT CRIMES COMPENSATION BOARD

AS 18.67.010 PURPOSE

It is the purpose of this chapter to facilitate and permit the payment of compensation to innocent persons injured, to dependents of persons killed, and to certain other persons who by virtue of their relationship to the victim of a crime incur actual and reasonable expense as a result of certain serious crimes or in attempts to prevent the commission of crime or to apprehend suspected criminals.

GENERAL INFORMATION

Alaska Statute 18.67, establishing a Violent Crimes Compensation Board, was adopted by the State Legislature in 1972. Its purpose was to alleviate the financial hardships caused by crime related medical expenses or loss of income sustained by innocent victims of violent crimes in Alaska. Additionally, it provides for the payment of pecuniary loss to dependents of deceased victims to mitigate the loss of a loved one.

The need for this legislation is reflected in the fact that almost daily there is a report of some act of violence against a person in this State. If the offender is apprehended, the concern for his dignity and rights as an accused are not forgotten and, after

his imprisonment, the concern continues as to his rehabilitation and training programs. The efforts are praiseworthy, however, the problems and needs of the victim are overlooked. To address this need, the Violent Crimes Compensation Board was established.

The Board is appointed by the Governor and consists of three members who are compensated on a per diem basis for meetings only. It is mandatory to have a licensed medical doctor and an attorney on the Board thus providing the expertise in these fields necessary to determine claims.

The original statute provided a maximum payment of \$10,000 and other collateral source receipts were required to be deducted from any award the Board determined. Other collateral receipts were defined as life insurance payments, medical and hospital insurance, VA benefits, Social Security, Workmen's Compensation, to mention just a few. Due to this restriction, many needy victims received only a partial award, or, in some cases, no award because they had already received benefits in excess of the \$10,000. The Ninth Legislature recognized the inadequacy in this area of the statute and remedied it through an amendment permitting the payment of expenses or losses over and above the amount received from other sources to the maximum allowable under the amendment and exempted consideration of life insurance proceeds.

The amendment further provides for the increase in the maximum award allowable per victim per incident to \$25,000; however, in the case of the death of a victim who has numerous eligible dependents, the maximum allowable is \$40,000. The Board feels that the increase in the maximums is compatible with today's increased medical expenses, increased earnings and the general increase in the cost of daily living.

The additional compensation for multiple dependents of deceased victims is most commendable. In the majority of claims involving minor dependents, the Board suggests that, if necessary, the award be used for support and maintenance or any medical emergencies that might arise but the primary purpose of the award is for future education and, if not so used, that it be given to each child upon reaching the age of majority.

Modifications included in the amendment:

- (a) Attorney fees to be paid in addition to an award rather than deducted from the award;**
- (b) An increase in the Emergency Award from \$500 to \$1,500;**
- (c) Exemption of life insurance proceeds received by the survivors of deceased victims,**
- (d) Compulsory display of information by hospitals and law enforcement agencies;**
- (e) Requirement of law enforcement agencies to advise victims of the availability of compensation;**
- (f) Reimbursement of expenses incurred because of the death of a victim to persons who were responsible for his support;**
- (g) The Board was given the discretion of making or denying an award without hearing on the claim but allowing the claimant the right to request a hearing if he disagrees with the determination.**

PROCESSING OF APPLICATIONS

Upon receipt of a claim, it is necessary to initially determine minimal eligibility. Therefore, compliance with the following statutory requirements must be in evidence within the claim application:

- (1) A crime, as defined in Section AS 18.67.100, must have been committed.**
- (2) The crime must have been reported to proper authorities within the time period designated in Section AS 18.67.130.**

- (3) The claim must have been filed within the two-year limit set by the law in Section AS 18.67.130.

If the claim does not meet the above standards, it is determined to be ineligible and the claimant is so notified.

When a claim meets these initial tests, it is then necessary to:

- (1) acknowledge receipt of the claim and request any additional documentation which the claimant did not attach, such as doctor's reports, hospital reports, and employment information, and advise the claimant that such material must be received prior to any action on the claim;
- (2) check with the respective District Attorney's office to determine if proceedings against the offender are imminent and, if so, to determine the advisability of a request to suspend the Violent Crimes Compensation Board investigation until the case is adjudicated, and, if the case has been adjudicated, request copies of the judgement;
- (3) obtain a detailed description of the incident from police records to determine if any provocation by the victim is indicated and, if so, to contact any witnesses to the incident for their statements. (If the offender has been prosecuted, a review of the transcript of the trial might be advisable.);
- (4) verify the victim's relationship, if any, to the alleged offender;
- (5) verify the dependence of the claimant as well as his relationship to the victim, in the case of the death of the victim, to determine eligibility; and, finally, to
- (6) consider other collateral sources reported as received by the claimant as a result of the incident, for example, Workmen's Compensation, Social Security, private insurance, etc.

Upon receipt of the requested information, further investigation is necessary to verify:

- (1) the employment of the victim and/or the claimant;
- (2) the income reported and documentation, if the victim is/was self-employed;
- (3) hospital and doctor bills which were paid by insurance and their relevance to the claim;
- (4) that a crime as defined in Section AS 18.67.100 is the basis for the claim and the applicant is an innocent victim thereof.

When the Administrator certifies the claim complete, the file is copied and submitted to the Board for their review and recommendations. They, in turn, may:

- (a) find the claim cannot be determined due to lack of documentation or information which the Board feels necessary to make a decision.
- (b) find the claim eligible under the statute for the award requested and advise a warrant be issued.
- (c) find the claim eligible under the statute for a lesser amount than requested and advise that the claimant be so notified indicating that he may request a hearing.
- (d) find the claim cannot be determined due to conflicting data therein and advise that a hearing is required prior to a final decision.
- (e) find the claim ineligible under the statute and advise that the claimant be so notified indicating that he may request a hearing.

Upon being informed of the Board's actions, the Administrator carries out their request through:

- (1) making the additional contacts in order to obtain further documentation.
- (2) requesting a warrant, if an award is determined, in the amount specified, or upon the Board's recommendation, if outstanding balances are due a hospital, doctor or other service agency as a result of the incident, requests joint warrants. The Board feels that any services provided the claimant due to the incident upon which the claim is based should be cleared or arrangements made between the claimant and the obligee for a satisfactory settlement.
- (3) In the event the award granted is less than was requested by the claimant, a letter is written enclosing the warrant and explaining the Board's decision noting the claimant's right to request a hearing.
- (4) If the Board finds conflicting data in a claim or is in doubt about any part of the claim, a hearing is scheduled.
- (5) If the claim is found ineligible, the claimant is so notified by letter stating the reason for ineligibility and advising him of the opportunity to request a hearing. The request for a hearing is to be received in the Board office within thirty days.

In order to schedule a hearing, the volunteer hearing officer is contacted to establish a date to his convenience. Arrangements are made and all parties are notified of the date and location of the hearing twenty days prior to the date set. Subpoenas are issued if witness testimony is necessary to establish eligibility or to clear up any contradictions.

Within seven days after the hearing, the Administrator furnishes the hearing officer with a transcript of the hearing and he has a reasonable time (within thirty days) to submit his findings and conclusions to the Board. The Board reviews the hearing officer's report and makes a final decision on the claim.

The Board is subrogated to the cause of action of the applicant against the person responsible for the injury or death of the victim and can also bring an action against the offender for the amount of the damages sustained by the applicant. The Board encourages claimants to institute civil proceedings where, if after investigation, it appears there may be a chance of recovery; however, very few recoveries are made due to the financial position of the offender.

Few claims are received that can be immediately determined as eligible. Many perplexing situations have to be considered by the Board in arriving at their decision; for example: Should a person who has sustained permanent disability through a criminal incident in which he bears some of the responsibility of provocation be considered for an award? Did the actual provocation warrant the final results of permanent disability? These are just a few of the problems encountered by the Board.

It is not difficult to reach an immediate decision as to eligibility on a claim where a widow and her children have lost their main support through an entirely innocent set of circumstances, but the amount of the award to be given poses a problem. All factors must be considered to be certain that the award will be helpful in maintaining an adequate living standard as a supplement to receipts from other sources. The Board must always bear in mind the appropriation available and the cost to the State, but if the program is to fulfill its objectives, compensation must be more than nominal.

The Board soon realized that it would be unfair as well as very costly to reimburse for actual wages lost, therefore, a set of Standards of Compensation was developed. The standards are based on a percentage of the rates established under Workmen's Compensation, applicable to permanent partial,

temporary partial or total disability. Reimbursement of loss of wages is based on a percentage of the average weekly wage for Alaska as established periodically by the Department of Labor. As all awards are required to be paid in a lump sum, there is no opportunity for re-evaluation after the award is granted should circumstances change. Those states with statutes allowing periodic payments can modify their awards as conditions change.

STATISTICAL AND ANALYTICAL INFORMATION

The growth in the awareness of Violent Crimes Compensation is evidence by the number of applications received in this fiscal year. Each inquiry and letter requesting application forms is handled individually and personally answered explaining the program and enclosing a copy of the statute or an application form and a brochure which simply explains the eligibility requirements. In instances wherein the writer has described the incident and other relevant facts surrounding the crime and it is determined from these facts that the claim might be ineligible, if filed, the Administrator replies and cites the particular requirement of the statute which may cause ineligibility but still encourages the writer to send in a claim.

In all cases, a claimant is instructed to attach all the necessary documentation to support his claim, explaining that in so doing it will expedite his claim to an early Board decision.

COST OF ADMINISTRATION

The costs to administer the Act for FY78 were as follows:

Staff salaries (2 persons) and benefits:	\$57,315.37
Travel includes Board Member travel and per diem:	5,195.44
Attorney fees, office expenses, equipment, etc.:	11,372.97
Total Costs:	\$73,883.78

TYPES OF CRIMES
*** NUMBER OF CLAIMS FILED**

TYPE OF CRIME	FY73	FY74	FY75	FY76	FY77	FY78
Homicide	8	15	17	14	31	23
ADW (Stabbing)	4	7	6	7	14	5
Armed Robbery	1	1	5	-0-	1	2
ADW (Shooting)	2	17	11	5	5	16
Other Assault	-0-	2	24	34	30	38
Rape	-0-	4	7	5	9	9
No Evidence of a Crime	-0-	4	1	3	3	7

*The foregoing chart merely indicates the trend in crime by the applications filed. It is difficult to compare and relate claims against crimes as claimants have two years to file claims and our statistics are on a fiscal year basis while crime figures are on a calendar year basis.

APPLICATIONS AND AWARDS						
	FY73	FY74	FY75	FY76	FY77	FY78
Applications Received	15	50	71	68	93	100
Applications Heard	-0-	37	51	82	81	99
Total Amount Awards Granted	-0-	36,025.60	125,266.20	272,948.29	120,968.07	285,672.63*
Pending Claims At End Of FY	13	38	44	8	28	33
<p>*The Legislature approved a supplemental appropriation of \$75,000.00 for awards for FY78. \$94,379.30 of the FY78 award money was spent on prior year claims.</p>						

**ACTUAL NUMBER OF CRIMES REPORTED IN ALASKA
(Based on a Calendar Year)**

Type of Crimes	1973	1974	1975	1976	1977
Homicide	33	46	39	41	43
Rape	147	166	177	192	211
Aggravated Assaults	868	1,017	1,176	1,264	1,147
Robbery	221	298	467	486	394

PUBLIC AWARENESS

The Board has stressed publicity of the program through the continued distribution of brochures and posters throughout the state. With the additional requirement placed on law enforcement agencies to alert victims of crimes to the program and the requirement that 'itals display information, it is encouraging that the actual receipt of applications has increased over last year.

The Board will continue to inform the public, setting as their goal statewide awareness of the program.

ACKNOWLEDGEMENTS

In the past year the Board has enjoyed the help and support of many individuals and agencies.

To make a final determination on any claim, the direct help of the law enforcement agency is vital and the Board has had excellent cooperation from the many municipal police departments throughout the state and the Alaska State Troopers. Special recognition is given to the Alaska State Troopers in Anchorage and Fairbanks and the municipal police departments of these two cities as the majority of claims originate in these areas.

Special recognition is also given to the Social Service Directors of Providence Hospital, Alaska Hospital and the Fairbanks Memorial Hospital who have referred victims to the program and have, in many instances, aided the victim in completing the application. They have been most accommodating in responding to requests for medical records, following those requests through the various departments to insure that they are sent to the Board office.

The Department of Law, through the Attorney General's office and the District Attorneys throughout the State, has been most cooperative in informing innocent victims of the program and in responding to the Board's many requests for legal interpretation and basic information necessary to make final determinations on claims.

Further, The Board recognizes the services of the following attorneys who have served as hearing officers on a voluntary basis from July 1, 1977 to June 30, 1978:

Mr. William H. Bittner, Anchorage
Mr. James E. Fisher, Kenai
Mr. Joe M. Huddleston, Anchorage
Ms. Mary A. Nordale, Fairbanks
Mr. Samuel J. Roser, Anchorage
Ms. Sandra K. Saville, Anchorage

Without the help of the above people, the program would be seriously hindered. The Board would be required to hold the hearings as, thus far, the appropriation level of the program does not support the engagement of attorneys on their regular fee basis.

There are numerous other agencies, both State and Federal, as well as individuals who have given their time and support to the Board informing victims of crime and helping to publicize the program. The Board, through this report, expresses their appreciation to them.

MEMOIRS



SUMMARY OF DECISIONS

7/1/77 - 6/30/78

All awards are made under Section 18.67.110

- (1) expenses actually and reasonably incurred as a result of the personal injury or death of the victim;
- (2) loss of earning power as a result of total or partial incapacity of the victim, and reasonable expenses of job retraining of or similar employment-oriented rehabilitative services for the victim;
- (3) pecuniary loss to the dependents of the deceased victim; and
- (4) any other loss resulting from the personal injury or death of the victim which the board determines to be reasonable.

In the summary of each case, one or more of the above numbers will be used to signify the authority under which the award was granted. Please refer to the above for a full explanation.

Claim No. 76-057

The claimant, a 24 year old female, was working in an all night cafe when a male came in with a drink in his hand. The claimant requested he leave the cafe and, at this point, he slapped her, causing her to hit her head on a metal waitress stand. The claim had been pending for some time awaiting a decision from Workmen's Compensation. It was the decision of the Board to deny the claim on the grounds that (1) the claimant had not exhausted her Workmen's Compensation remedy, (2) she is receiving S.S.I. of \$259.00 per month, and (3) the information does not clearly establish the causal relationship between the attack and the disability, nor the extent of the disability. The Board denied the claim under Section 18.67.080(c).

Award: Denied

Claim No. 77-025

The claimant, a 24 year old male, arrived at a car wash and pulled around a car which was in line but had no driver. Apparently, the driver returned and attacked the claimant leaving him with a broken nose, facial lacerations and a bruised eye. The claimant requested compensation for his loss of earnings. He was sent several letters requesting further information but did not respond. The claim was left open for quite some time but, as the claimant did not pursue the claim, the case was closed.

Award: Case Closed

Claim No. 77-026

The claimant, a 26 year old female, was involved in an incident whereby she left her husband in a hotel and walked down the street to get something to eat. She was allegedly assaulted by an unknown assailant and

sustained a fractured jaw. Because of the conflicting evidence, the Board ordered a hearing prior to making a determination. A hearing was held and the Board reviewed the hearing officer's Findings and Conclusions. It is the decision of the Board to concur with the hearing officer's findings and deny the claim under Section 18.67.080(c) on the grounds that there were inconsistencies with the police report which led to lack of conclusive evidence and insufficient proof to show the claimant was an innocent victim of an unprovoked criminal attack.

Award: Denied

Claim No. 77 J30

The claimant, a 26 year old male, was involved in an incident where he entered a bar in the early hours of the morning and, before ordering a drink, went to the restroom. When he was about to leave the restroom, three men rushed in and attacked him. He suffered two knife wounds in the chest and lungs. It was the determination of the Board that he was an innocent victim of a violent crime and it was their decision to award loss of earnings under Section 18.67.110(2).

Award: \$1,610.00

Claim No. 77-036

The claimant, a male (unknown age), was allegedly assaulted by four men and received a cut above the nose and a blackened eye. The application was not completed and, after several letters were written with no reply, the case was closed.

Award: Case Closed

Claim No. 77-039

The victim, a 27 year old male, was apparently asleep when an assailant entered and killed him with one shot from a .22 caliber pistol. The claimant is the wife of the victim and requested compensation for herself and five children because of the death of her husband. It was the determination of the Board that the husband was an innocent victim of a violent crime and the claimant was eligible for compensation. The Board granted an award for loss of support under Section 18.67.110(3).

Award: \$23,400.00

Claim No. 77-040

The claimant, a 16 year old female, was attacked and raped while walking to a girlfriend's house. As the claimant was a minor, the claim was filed on her behalf by her parent. It was the determination of the Board that the claimant was an innocent victim of a violent crime and it was their decision to grant an award for medical expenses under Section 18.67.110(1).

Award: \$336.00

Claim No. 77-045

The claimant, a 42 year old male, alleged that an assailant tried to break into his home. The claimant turned on the outside light and opened the door, at which time, the assailant shot him in the hand. The claimant returned fire, hitting the assailant in the head and killing him. It was the decision of the Board to deny the claim on the grounds that there was lack of information to establish that the claimant was an innocent victim. The claimant failed to appear at a hearing to produce any information which might aid the Board. The claim was denied under Section 18.67.080(c).

Award: Denied

Claim No. 77-046

The victim, a 36 year old male, was shot to death in the home of his wife's uncle by the uncle. The claimant was the wife of the victim and mother of their four children. The Board had previously denied the claim on the grounds that the evidence was conflicting and the Board was not convinced that he was an innocent victim. It particularly appeared that the social history could have provided provocation for the shooting. A hearing was held and the Board reviewed the hearing officer's findings. It was the decision of the Board to concur with the hearing officer's findings and award the claimant and her children loss of support under Section 18.67.110(3) and to pay the out of pocket funeral expenses under Section 18.67.110(1).

Award: \$31,516.80

Claim No. 77-048

The victim, a 23 year old male, was found in his trailer dead from a gunshot wound. The claimant is the ex-wife of the victim filing on behalf of their small son. The Board denied the claim on the grounds that the weight of the evidence indicated it was a self inflicted gunshot wound. The attorney for the claimant submitted a copy of the inquest proceedings in lieu of a hearing. It was the Board's decision to reaffirm the denial under Section 18.67.130(a) on the grounds that the weight of the evidence indicated it was a self inflicted gunshot wound.

Award: Denied

Claim No. 77-049

The claimant, a 29 year old male, alleged he was injured when he was struck in the face with a chair by a woman. The police report indicated that the claimant had bumped into an elderly couple who advised him to watch where he was going. The older man and a female got into an argument with the claimant. It was the decision of the Board to deny the claim under Section 18.67.080(c) on the grounds that the victim appeared to be engaged in a fight and there appeared to be provocation on his part. The claimant requested a hearing on his claim but, as he did not pursue his claim, the case was closed.

Award: Denied

Claim No. 77-051

The claimant, a 22 year old male, was involved in an altercation in a bar and was taken to the hospital with head injuries and multiple bruises. It was the decision of the Board to deny the claim under Section 18.67.080(c) on the grounds that there was an indication of consent to the fight. There was no evidence, even if it were an unprovoked attack, that it is a crime covered under Section 18.67.100.

Award: Denied

Claim No. 77-054

The victim, a 31 year old male, was found dead of a massive skull injury caused by a tremendous blow. The claimant, mother of the victim, requested compensation for funeral expenses. It was the determination of the Board that he was an innocent victim of a violent crime and awarded the claimant funeral expenses under Section 18.67.110(1).

Award: \$1,058.50

Claim No. 77-055

The victim, a 24 year old female, was found dead in her apartment of a single gunshot wound to the abdomen. The claimant was the husband of the victim and father of their young daughter. There was a question of whether the gunshot wound was self inflicted or by an unknown assailant. The Board requested more information from the claimant and a copy of the coroner's report. After reviewing the information and transcript, it was the decision of the Board to deny the claim under Section 18.67.130(a) on the grounds that the weight of the evidence indicated that it was a self inflicted gunshot wound.

Award: Denied

Claim No. 77-069

The victim, a 44 year old male, was shot and killed in an incident where two children were throwing snowballs at a man's window when the man came out of the apartment with a gun and threatened to shoot the children. The victim attempted to talk to the man and the man shot and killed the victim. The claimant was the brother of the victim and requested funeral expenses. It was the determination of the Board that the victim was an innocent victim of a violent crime and it was their decision to award the claimant funeral expenses under Section 18.67.110(1).

Award: \$1,848.69

Claim No. 77-071

The claimant, a 31 year old male, was involved in an incident wherein a truck stopped in front of him. He got out to see what was the matter and a man got out of the truck and hit him. The victim suffered the loss of

an eye. It was the determination of the Board that the claimant was an innocent victim of a violent crime and it was their decision to award loss of earnings under Section 18.67.110(2).

Award: \$8,510.00

Claim No. 77-072

The claimant, a 21 year old female, was a passenger in a vehicle that struck the rear of another vehicle. An argument ensued and the claimant was struck about the face and head. It was the decision of the Board to deny the claim under Section 18.67.080(c) on the grounds that the evidence was controverted and the weight of the evidence does not go in either direction.

Award: Denied

Claim No. 77-073

The claimant, a 22 year old male, alleged that he came around the corner of a house and a man started shooting. He was shot once in the stomach and once in the leg. Further information was needed and several letters were sent to the claimant. All of the letters were returned and, as no contact could be made with the claimant, the case was closed.

Award: Case Closed

Claim No. 77-077

The victim, a 25 year old male, was shot to death by a man who thought the victim had stolen his snowmobile keys. The claimant was the mother of the victim and requested compensation as a dependent. It was the determination of the Board that the claimant was a depen-

~~X~~

dent and entitled to loss of support. It was the decision of the Board to award the claimant for loss of support under Section 18.67.110(3).

Award. \$10,000.00

Claim No. 77-078/079

The victim, a 31 year old male, was found dead with a massive injury to the head caused by a tremendous blow. The victim in this claim is the same as in the incident described in Claim No. 77-054. As the claimants are the minor children of the victim and in the custody of their mother, ex-wife of the victim, the claim was filed by the mother on their behalf. It was the determination of the Board that the victim was an innocent victim of a violent crime and it was their decision to award each child \$7,500.00 under Section 18.67-.110(3).

Award: \$15,000.00

Claim No. 77-081

The claimant, a 24 year old male, took a girl to his apartment. An altercation took place and the girl shot him nine times. It was the decision of the Board to deny the claim under Section 18.67.130(b)(2) and (3) on the grounds that (1) he was engaged in an act of prostitution which is a crime, (2) he was engaged in a sexual encounter, while it might not be considered maintaining a sexual relationship, it was a sexual encounter, and (3) there was some evidence that he was engaged in an attempted rape.

Award: Denied

Claim No. 77-082

The claimant, a 36 year old male, was involved in an incident wherein a person had antagonized the claimant and a Spanish speaking friend. There was an altercation in which the claimant was attacked and stabbed in the back. It was the decision of the Board that the claimant was an innocent victim of a violent crime and was compensated for loss of earnings during the last fiscal year. The claimant's attorney submitted billings for medical expenses which had not been paid on the original claim as the claimant felt his insurance would cover them. It was the determination of the Board that the billings were legitimate and awarded the claimant the medical expenses under Section 18.67.110(1).

Award: \$127.18

Claim No. 77-083

The victim, a 24 year old male, was found lying in a ditch. He had been shot and died at the hospital several weeks later. The claimant, father of the victim, requested funeral expenses and out of pocket expenses. It was the determination of the Board that the victim was an innocent victim of a violent crime and awarded the claimant funeral and out of pocket expenses under Section 18.67.110(1).

Award: \$3,472.13

X Claim No. 77-084

The claimant, a 42 year old female, was involved in an incident in which she stated her ex-boyfriend came to her apartment and hit her, breaking her jaw and, in a separate incident, broke her hip. There was conflicting information given by the claimant on different occasions and it was the decision of the Board to deny the

claim on the grounds that there was a relationship between the claimant and the assailant and it was a case of simple assault which does not qualify under Section 18.67.100. The claim was denied under Section 18.67-.130(a) and (b)(2). A hearing was scheduled at the request of the claimant but the claimant did not appear. It was the recommendation of the hearing officer that the claim be dismissed with prejudice. The Board concurred with the hearing officer and reaffirmed their denial.

Award: Denied

Claim No. 77-085

The claimant, a 51 year old male, was assaulted by several individuals while on duty as a Security Guard. It was the determination of the Board that he was an innocent victim of a violent crime but denied an award under Section 18.67.080(c) on the grounds that he received Workmen's Compensation for all of his medical expenses and loss of earnings.

Award: Denied

Claim No. 77-086

The victim, a 26 year old male, was shot to death while visiting friends. The claimant was the wife of the victim. It was the decision of the Board to deny the claim under Section 18.67.080(c), on the grounds that there was some question of provocation and it was not clearly established that the victim was an innocent victim of a violent crime.

Award: Denied

Claim No. 77-087

The claimant, a 61 year old male, was arrested by a village policeman who was intoxicated. The claimant had committed no offense. However, in route to the jail, the policeman shot the claimant four times with a .38 special revolver in the arms, legs and chest. It was the determination of the Board that the claimant was an innocent victim of a violent crime and granted an award for permanent partial disability under Section 18.67-110(2).

Award: \$7,500.00

Claim No. 77-088/089/090

The victim, a 31 year old male, was shot and killed outside an apartment building by a former friend of his. There had apparently been some sort of altercation and the friend felt that the victim had taken unfair advantage of him. The assailant plead nolo contendere and was sentenced to thirty years with fifteen years suspended. As the claimants are the minor children of the victim, the claims were filed on their behalf by their mother. It was the determination of the Board that the victim was an innocent victim of a violent crime and the claimants were eligible for compensation. It was the decision of the Board that, although, the mother is getting collateral sources from Social Security and the Veteran's Administration greater than the support she had received from the father, the children had suffered a loss, including a pecuniary loss as a result of the death of their father. It was the decision of the Board to award \$5,000.00 to each of the children to be paid to the conservator in trust for the children. The Board suggested that, if necessary, the money be used for the support and maintenance or any emergency medical needs that might arise but the primary purpose of the award is for future education and, if not so used, that it be given to each child upon reaching the age of 21. This was awarded under Section 18.67.110(3).

Awarded: \$15,000.00

Claim No. 77-091

The claimant is the sister of the deceased victim described in Claims No. 77-088/089/090. It was the determination of the Board that the victim was an innocent victim of a violent crime. It was the decision of the Board to award the claimant funeral expenses incurred as a result of the death of her brother under Section 18.67.110(1).

Award: \$493.24

Claim No. 78-001

The claimant, a 15 year old female, was on her way to school when she was attacked from behind, dragged into the graveyard and raped. As the claimant was a minor, the claim was filed by her parent on her behalf. It was the determination of the Board that she was an innocent victim of a violent crime. It was the decision of the Board to award medical expenses and other out of pocket expenses which the Board determined reasonable under Section 18.67.110(1).

Award: \$683.00

Claim No. 78-002

The claimant, a 16 year old male, was involved in an incident where he was walking home from town when a man he knew slightly joined him. The man forced the boy to walk around for quite awhile, while he hit and abused the boy. The assailant then sexually assaulted the boy and stabbed him in the throat. As the claimant was a minor, the claim was filed on his behalf by his parent. It was the determination of the Board that the claimant was an innocent victim of a violent crime and awarded medical expenses, out of pocket expenses and other expenses the Board determined reasonable under Section 18.67.110(1) and (4).

Award: \$2,337.80

Claim No. 78-003

The claimant, a 36 year old male, was involved in an incident where he and several other friends went to a bar. As they were leaving, the claimant stated that several men harrassed him. The claimant and his friends started to leave in a car but the other men stopped the car. The claimant and his friend got out to see what was the matter. The claimant stated he was beat on the head with a club. It was the decision of the Board to deny the claim under Section 18.67.080(c) on the grounds that there was conflicting evidence and there was not conclusive evidence that he was an innocent victim of a violent crime.

Award: Denied

Claim No. 78-004

The claimant, a 45 year old male, went into the restroom at a bar. He was apparently mugged as he was found by the police with serious injuries to his face and eye and his billfold had been stolen. As more information was needed and several letters were written to the claimant with no response, the case was closed.

Award: Case Closed

Claim No. 78-005

The claimant, a 31 year old male, entered a bar looking for a friend. He was assaulted by a man with a knife and, while trying to get away, was stabbed. It was the determination of the Board that the claimant was an innocent victim of a violent crime and it was their decision to award medical expenses and loss of earnings under Section 18.67.110(1) and (2).

Award: \$1,444.50

Claim No. 78-006

The claimant, a 46 year old male, stated he was hit by a car from behind while he was driving and the accident left him unable to work for approximately four months because of the injury to his back and legs. The claim was denied under Section 18.67.130(4) as the program does not cover injuries 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.

Award: Denied

Claim No. 78-007

The claimant, a 21 year old male, alleged that he was struck on the head at a bar by an unknown assailant. All witnesses in the bar stated that it was an accident as the claimant was intoxicated and fell, hitting his head. It was the decision of the Board to deny the claim under Section 18.67.130(a) on the grounds that he was not a victim of a violent crime.

Award: Denied

Claim No. 78-008

The claimant, a 22 year old male, was involved in an incident at a cannery where he and the nightwatchman asked two young males to keep the noise down. Apparently, there was some words and the claimant threw several rocks at the men's skiff. The two men came back with a third man and struck the claimant several times in the back with a piece of pipe. It was the decision of the Board to deny the claim under Section 18.67.080(c) on the grounds that there was conflicting

evidence as to whether there was provocation or actions which contributed to the incident. There was also no medical confirmation of disability although the claimant was requesting disability for a rather extended length of time.

Award: Denied

Claim No. 78-009

The claimant, a 47 year old male, was making a phone call from a pay phone when a man approached him and asked him for a ride to a nearby apartment building. When they had arrived at the apartment, the man asked him to get out of the car and help him find his sister's car. The man then got behind the claimant, struck him behind the left ear, robbed him of his wallet and stole his car. Because of this incident, the claimant has a permanent partial hearing loss. It was the determination of the Board that he was an innocent victim of a violent crime and awarded him permanent partial disability and medical expenses under Section 18.67.110(1) and (2).

Award: \$6,030.00

Claim No. 78-010

The claimant, a 17 year old male, was standing outside a drinking establishment with a group of young men when several other young men came out of the bar. One of the men pulled a gun out of the trunk of a car and started shooting. The victim was shot in the buttock. As the claimant was a minor, the claim was filed on his behalf by his guardian. It was the determination of the Board that the claimant was an innocent victim of a violent crime and it was their decision to award loss of earnings under Section 18.67.110(2).

Award: \$1,625.40

Claim No. 78-011

The victim, a 25 year old female, was beaten to death with a club. The claimant, husband of the victim, requested compensation for funeral expenses plus one week's loss of earnings. It was the determination of the Board that the victim was an innocent victim of a violent crime and awarded the claimant funeral expenses plus loss of earnings under Section 18.67.110(1) and (2).

Award: \$1,363.13

Claim No. 78-012

The claimant, a 34 year old male, was driving cab when two men reportedly robbed the claimant, shot him in the head and shoulder and drove off in his cab. It was the determination of the Board that the claimant was an innocent victim of a violent crime and eligible for compensation. It was their decision to compensate the claimant for loss of earnings and out of pocket expenses under Section 18.67.110(1) and (2).

Award: \$2,095.00

Claim No. 78-013

The claimant, a 42 year old female, stated that persons unknown had set a fire resulting in the complete loss of business and personal property. The claim was denied as the program does not cover property damage but relates specifically to personal injury or death of a victim through a violent crime as listed under Section 18.67.010 and 18.67.100.

Award: Denied

Claim No. 78-014

The claimant, a 37 year old male, had been celebrating his birthday and drinking with his brother. On the way home, he and his brother were apparently jumped by several other individuals and the claimant suffered a broken jaw and bruises. The application was not complete and letters were written requesting further information. As the claimant did not respond, the case was closed.

Award: Case Closed

Claim No. 78-015

The claimant, a 36 year old male, went into a bar to pick up his girlfriend who was working in the bar. There was an altercation and the claimant received a gunshot wound to the face. The Board originally denied the claim under Section 18.67.080(c) on the grounds there was provocation/consent. A hearing was held and the Board reviewed the hearing officer's findings. It was the decision of the Board to again deny the claim on the grounds that to some extent there was provocation on the part of the claimant as he had voluntarily injected himself into a potentially violent situation

Award: Denied

Claim No. 78-016

The claimant, a 64 year old male, was sitting in the lobby of an apartment building when an elderly woman started shooting. The claimant was badly injured after being hit in the leg with a bullet. His medical expenses were covered by Medicare. It was the determination of the Board that the claimant was an innocent victim of a violent crime. The Board awarded loss of earnings and the part of the Homemaker service which could not be covered by Medicare, under Section 18.67.110(1) and (2).

Award: \$1,946.24

Claim No. 78-017

The claimant, a 22 year old male, was drinking at a local bar. He believed he was attacked from behind, dragged into the street and beaten by an unknown assailant but he had no recollection of the incident. More information was required to complete the claim but, as no contact could be made with the claimant, the case was closed.

Award: Case Closed

Claim No. 78-018

The claimant, a 20 year old female, was sexually assaulted while walking home from her place of employment. It was the determination of the Board that the claimant was an innocent victim of a violent crime and awarded loss of earnings, medical expenses and counseling under Section 18.67.110(1), (2) and (4).

Award: \$1,650.00

Claim No. 78-019

The claimant, a 25 year old male, and other members of a motorcycle club entered a bar and there was an altercation between the local workers and the motorcycle club. During the incident, the claimant was shot. It was the decision of the Board to deny the claim under Section 18.67.080(c) on the grounds that there was conflicting evidence, some of which indicated consent and/or provocation.

Award: Denied

Claim No. 78-021

X

The claimant, a 22 year old female, was in her apartment when her ex-boyfriend came in and, following an argument, started striking her. It was the decision of the Board to deny the claim as there appeared to be a boyfriend/girlfriend relationship and it did not appear to be a crime under Section 18.67.100. This was denied under Section 18.67.130(a) and (b)(2).

Award: Denied

Claim No. 78-022

The victim, a 28 year old female, was awakened by a commotion in front of her home and by a rock which was thrown through the window. She stepped outside the house onto the porch to see what had happened and, while standing there, incurred a fatal gunshot wound to the chest. The claimant is the husband of the victim and requested compensation for himself and their three children based on the death of his wife. It was the determination of the Board that the victim was an innocent victim of a violent crime and the claimant was eligible for compensation. It was the decision of the Board to award out of pocket expenses for the funeral and to award the claimant and the dependents pecuniary loss under Section 18.67.110(1) and (3).

Award: \$25,580.00

Claim No. 78-025

The claimant, a 28 year old female, made a derogatory remark to her girlfriend about the man her girlfriend had just married. The man came up and struck the claimant in the face with a drinking glass. It was the determination of the Board that the claimant was an innocent victim of a violent crime and the Board awarded medical expenses and loss of earnings under Section 18.67.110(1) and (2).

Award: \$1,276.23

Claim No. 78-026

The claimant, a 55 year old female, was the night clerk in an apartment building when she was shot in the back of the head and left leg by two assailants. It was the determination of the Board that the claimant was an innocent victim of a violent crime but denied an award under Section 18.67.080(c) on the grounds that collateral sources, namely Workmen's Compensation, covered all of her expenses and her disability as she is unable to work.

Award: Denied

Claim No. 78-027

The victim, a 37 year old male, entered the men's lavatory and was shot for no apparent reason. The victim ran from the lavatory and was shot a second time and killed. The claimant, mother of the victim, requested compensation for funeral expenses. It was the determination of the Board that the victim was an innocent victim of a violent crime and awarded the claimant funeral expenses under Section 18.67.110(1).

Award: \$695.50

Claim No. 78-028

The claimant, a 23 year old male, had his apartment broken into by friends, who chased him out of the apartment, struck him about the head and body, causing a severe concussion and other injuries. The Board denied the claim on the grounds there was an indication he was engaged in criminal activities and did not explore any collateral sources. The claimant requested a hearing and the Board reviewed the hearing officer's findings. It was the decision of the Board to again deny the claim under Section 18.67.080(c) on the grounds there was

evidence of provocation through the claimant's threats to the assailants during a telephone call. The denial was also based on the grounds that this incident arose in connection with the claimant's own criminal activities. As he voluntarily associated with this group in these activities, he voluntarily subjected himself to a high risk element.

Award: Denied

Claim No. 78-029

The claimant, a 26 year old male, was involved in an altercation in a parking lot. The claimant states that the offender threatened him with a gun, pulled him out of his vehicle and started beating him. It was the decision of the Board to deny the claim under Section 18.67.1080(c) on the grounds that (1) there was evidence of provocation, (2) the claimant changed his story in the course of testifying on different occasions, and (3) the information the Board had was not adequate to convince them that the claimant was an innocent victim of a violent crime compensable under the program.

Award: Denied

X Claim No. 78-030

The claimant, a 20 year old male, became involved in an altercation while trying to help his brother, whom he states was being assaulted. When the claimant tried to break up the fight, he was knocked down and kicked repeatedly by several people. It was the decision of the Board to deny the claim under Section 18.67.130(a) on the grounds that the injuries did not result from a crime encompassed under Section 100 of the statute. As it was not one of the crimes covered under the statute, the Board did not reach the question as to whether the claimant was an innocent victim.

Award: Denied

Claim No. 78-031

The victim, a 37 year old male, was murdered in a bar when he entered the men's lavatory and was shot for no apparent reason. The victim ran from the lavatory and was shot a second time and killed. The victim in this claim is the same as in the incident described in Claim No. 78-027. The claimant, father of the victim, requested compensation for funeral expenses. It was the decision of the Board to grant the award under Section 18.67.110(1).

Award: \$810.15

Claim No. 78-032

The claimant a 20 year old male, was walking home when he was struck on the back of the head with a large piece of wood and was robbed. The claimant suffered a concussion. It was the determination of the Board that the claimant was an innocent victim of a violent crime and awarded loss of earnings under Section 18.67-.110(2).

Award: \$609.00

X

Claim No. 78-033

The claimant, a 29 year old female, was involved in an altercation with her roommate. The roommate's boyfriend entered the argument and struck the claimant. It was the decision of the Board to deny the claim under Section 18.67.130(a) on the grounds it was a simple assault and not a crime compensable under Section 18.67.100 of the statute.

Award: Denied

Claim No. 78-035

The claimant, a 52 year old male, was robbed at gun-point in a parking lot. The claimant tried to grab the man with the gun after handing him his money and, in the process, the gun went off and the claimant was wounded in the shoulder. It was the determination of the Board that the claimant was an innocent victim of a violent crime and awarded medical expenses and loss of earnings under Section 18.67.110(1) and (2). An Emergency Award in the Amount of \$1,200.00 had previously been granted.

Award: \$1,410.50

Claim No. 78-037

The victim, a 21 year old male, was sitting in the back seat of a car when another young man came up and exchanged angry words with the victim. At that point, the man outside the car stabbed the victim in the chest. The victim died as a result of the wound later the same day. The claimant is the ex-wife of the victim and requested compensation for loss of support for their daughter. It was the decision of the Board that the victim was an innocent victim of a violent crime and awarded the claimant on behalf of the daughter for loss of support under Section 18.67.110(3).

Award: \$11,200.00

Claim No. 78-038

The claimant, a 19 year old male, was struck down by a hit and run driver. The application was denied under Section 18.67.130(b)(4) as the program does not cover personal injuries or death as the result of the operation of a motor vehicle unless the vehicle was used as a weapon in a deliberate attempt to injure or kill the victim.

Award. Denied

Claim No. 78-039

The claimant, a 58 year old male, was attacked in his apartment by three men. He was beaten severely and lost all of his lower teeth and some of his upper teeth. It was the decision of the Board to deny the claim on the grounds that there was nothing compensable under the statute. The medicals were paid by the Veteran's Administration and the Board cannot compensate for money stolen and this was all the claimant requested. The claim was denied under Section 18.67.080(c) and the Board did not reach the issue of eligibility as to whether the claimant was an innocent victim.

Award. Denied

Claim No. 78-040

The claimant, a 24 year old male, was standing by his truck while a man was pouring gas into the truck. The man turned and threw the remaining gas on the claimant's legs and then invited him into his trailer for the purpose of changing clothes. The claimant, after waiting about five minutes for the change of clothes, approached the man who stuck a cigarette lighter at his legs and ignited the claimant's pants. The claimant suffered burns on both of his legs. He was transferred out of state for grafting of the non-healing burn wounds on his right foreleg. It was the determination of the Board that he was an innocent victim of a violent crime and awarded medical expenses and loss of earnings under Section 18.67.110(1) and (2). An Emergency Award of \$1,500.00 had previously been granted.

Award: \$8,624.26

Claim No. 78-041

The claimant, a 49 year old male, who lived and worked at a lodge, had closed the lodge for the night when he heard a knock at the door. He opened the door and saw

three men standing there. As one man had a gun, he quickly slammed the door shut. Four shots were fired through the door and two bullets struck the claimant in the back, one lodging next to his heart. It was the determination of the Board that the claimant was an innocent victim of a violent crime and awarded him loss of earnings and medical expenses under Section 18.67.110(1) and (2).

Award: \$1,277.75

Claim No. 78-042

The claimant, a 21 year old male, states that he was assaulted and threatened with a gun, however, the application was incomplete and gave no dates. After several letters were written and there was no reply, the case was closed.

Award: Case Closed

Claim No. 78-043

The claimant, a 52 year old male, alleged he was assaulted at the airport. His application was denied as there was no evidence of a crime committed, no medical reports or verification as is necessary under Section 18.67.030(b) and Section 18.67.130(a). The same application had been submitted in a prior year and had been denied.

Award: Denied

Claim No. 78-044

The claimant, a 25 year old female, picked up a male hitchhiker. He pulled a small caliber pistol on her, directed her to an area off the road and raped her. It was the determination of the Board that the claimant was an innocent victim of a violent crime and eligible

for compensation. It was the decision of the Board to compensate the claimant for out of pocket expenses, loss of earnings and future counselling under Section 18.67.110(1), (2) and (4).

Award: \$2,307.90

Claim No. 78-049

The claimant, a 49 year old male, was attacked in a friend's apartment by three men. He was shot in the buttocks and beaten severely about the head causing lacerations and broken teeth. Several letters were written requesting information and, as there was no reply, the case was closed.

Award: Case Closed

Claim No. 78-050

The claimant, a 49 year old female, suffered injuries to her back and eye when the car in which she was riding was struck by another vehicle. The application was denied under Section 18.67.130(b)(4) as the program does not cover personal injury as a result of the operation of a motor vehicle unless the vehicle was used as a weapon in a deliberate attempt to injure or kill the victim.

Award: Denied

Claim No. 78-053

The victim, a 36 year old male, was shot and killed when a man walked into a market and started shooting with a .357 magnum. The assailant was later convicted of First Degree Murder and sentenced to life in prison.

The claimant, wife of the victim, requested compensation for herself and six children. It was the determination of the Board that the claimant and her children were eligible for compensation under Section 18.67-.110(3) and the Board awarded the maximum amount, \$40,000.00, for the dependents of the deceased victim. An Emergency Award of \$1,500.00 had previously been granted and was deducted from the final award.

Award: \$40,000.00

Claim No. 78-054

The claimant, a 29 year old male, was home with his wife and new baby when the landlord entered the house and accused the claimant of hiding the landlord's girlfriend. The landlord picked up a part from a handyman jack and beat the claimant, breaking the claimant's arm, in addition to giving him severe cuts, bruising the claimant's wife, threatening harm to the baby and destroying several articles of furniture. A hearing was held and the Board, after reviewing the hearing officer's report, made the decision to award out of pocket expenses and loss of earnings under Section 18.67-110(1) and (2).

Award: \$1,387.50

Claim No. 78-055

The victim, a 39 year old female, was found by the side of the road over an embankment with numerous injuries. She had already expired and was identified at a later date. The claimant is the mother of the victim and requested compensation for funeral expenses. It was the decision of the Board to deny the claim on the grounds there was lack of evidence that she was an innocent victim of a violent crime. There was evidence

that indicated a hit and run accident. There was the possibility that someone attacked her, however, the evidence was not conclusive to prove she was a victim of a violent crime compensable under this program. The claim was denied under Section 18.67.080(c).

Award: Denied

Claim No. 78-056

The claimant, a 52 year old female, alleged she was assaulted and raped in her apartment. After several letters were written requesting information, the claimant advised that she no longer wished to pursue her claim because of the amount of paperwork and loss of privacy involved.

Award: Case Closed

Claim No. 78-057/058

The victim, a 30 year old male, entered a bar with a friend and sat on a bar stool. There was a slight discussion with the offender regarding the bar stool but nothing of any magnitude. The offender left the bar and returned a while later and killed the victim by shooting him in the head. As the claimants are the two minor children of the victim and in the custody of their mother, the claims were filed on their behalf by their mother. It was the determination of the Board that the victim was an innocent victim of a violent crime and the children were eligible for compensation under Section 18.67.110(3). It was the decision of the Board to award each of the children \$10,000.00. The Board suggested that, if necessary, the money be used for the support and maintenance or any emergency medical needs that might arise but that the primary purpose of the award was for future education and, if not so used, that it be given to each child upon reaching the age of maturity.

Award: \$20,000.00

X Claim No. 78-059

The claimant, an 18 year old female, was confronted by three females whom she knew and a fight ensued. The claimant was struck on the head with a pair of num-chucks. It was the decision of the Board to deny the claim under Section 18.67.080(c) on the grounds there was evidence that indicated consent and/or provocation.

Award: Denied

X Claim No. 78-062

The claimant, a 21 year old male, received a gunshot wound in the thigh after an argument with the offender. It was the decision of the Board to deny the claim under Section 18.67.080(c) on the grounds that there was not enough evidence to establish that the claimant was an innocent victim of a violent crime and the Board felt there was some indication of provocation/consent on the part of the claimant.

Award: Denied

Claim No. 78-063

The claimant, a 30 year old male, was waiting outside an apartment building when he noticed a fight in progress. He and a friend walked over and broke up the fight. The offender walked away and came back a few minutes later, pulled out a revolver and shot the claimant. The claimant was in the hospital for approximately a month and a half and had not been able to work for three months after the hospitalization. The Board granted an Emergency Award of \$1,500.00 and requested more information before making a final determination on the claim. The Emergency Award was granted under Section 18.67.120(1).

Emergency Award: \$1,500.00

X Claim No. 78-065

The claimant, a 25 year old male, was in his apartment when two men forced their way into the apartment and beat the claimant severely. It was the decision of the Board to deny the claim under Section 18.67.130(a) on the grounds that the injuries did not result from a crime encompassed under Section 18.67.100 of the statute.

Award: Denied

X Claim No. 78-066

The claimant, a 22 year old male, was involved in an altercation in a bar and states that he was severely beaten. It was the decision of the Board to deny the claim under Section 18.67.130(a) on the grounds that the injuries did not result from a crime encompassed under Section 18.67.100 of the statute, therefore, the Board did not reach the question as to whether the claimant was an innocent victim.

Award: Denied

Claim No. 78-068

The victim, a 29 year old male, was hitchhiking when he was picked up by a male and female who later beat him brutally and then shot him to death. The claimant is the foster mother of the victim and requested compensation for funeral expenses. It was the determination of the Board that the claimant was eligible for compensation and awarded funeral expenses under Section 18.67.110(1).

Award: \$697.00

Claim No.,78-069

The claimant, a 26 year old male, stated he was helping the management of a bar evict a man and he was jumped by three or four other men and received several blows to the head requiring approximately thirty-five stitches. It was the decision of the Board to deny the claim under Section 18.67.130(a) on the grounds that there was no report to the police as is required in the statute.

Award: Denied

Claim No. 78-071

The claimant, a 31 year old male, went to an apartment to pick up a person who needed to go to the Emergency Clinic. He walked into the person's house and was attacked by a guard dog. The police reported that the claimant had leaned down to pet the dog and the dog attacked him. The claimant lost the sight in one eye. The Board ruled that the claim was ineligible under Section 18.67.130(a) on the grounds that it was not a crime encompassed under Section 18.67.100 of the statute.

Award: Denied

Claim No. 78-073

The claimant, a 31 year old male, was critically injured when a man walked into a market where the claimant was working and started shooting with a .357 magnum. Another victim was shot and killed at the same time. The assailant was convicted of First Degree Murder and sentenced to life in prison. It was the decision of the Board to award the claimant the maximum allowable under their Standards of Compensation for vocational retraining and rehabilitation in the amount of

\$10,000.00 under Section 18.67.110(2) and out of pocket expenses under Section 18.67.110(1). An Emergency Award of \$1,500.00 had previously been granted and was deducted from the final award.

Award: \$10,939.34

Claim No. 78-074

The claimant, a 21 year old male, was involved in a scuffle in a bar. The claimant and offender reconciled their differences and left the bar together. A short time later the offender stabbed the claimant in the arm. By the claimant's own statement, he provoked the incident through name calling. The claimant voluntarily injected himself into a situation that was volatile and violent thereby consenting to the incident. It was the decision of the Board to deny the claim under Section 18.67-.080(c) on the grounds that there was provocation and consent.

Award: Denied

Claim No. 78-077

The claimant, a 44 year old male, was involved in an altercation in the parking lot of a bar. The claimant produced a rifle from his vehicle and several men started beating the claimant until he lost consciousness. It was the decision of the Board to deny the claim under Section 18.67.080(c) on the grounds that there was evidence that the claimant's use of the rifle and possible verbal exchange contributed to or provoked the incident. The Board did not feel they had enough evidence to establish the claimant as an innocent victim of a violent crime.

Award: Denied

Claim No. 78-078

The victim, a 9 year old female, was sexually assaulted and brutally murdered. The claimant is the mother of the victim. It was the determination of the Board that the girl was an innocent victim of a violent crime and the claimant was eligible for compensation for out of pocket expenses, funeral expenses and loss of earnings under Section 18.67.110(1), (2) and (4).

Award: \$4,954.99

Claim No. 78-080

The claimant, a 28 year old female, was involved in an incident where she was raped, the offender deliberately drove her car in the ditch, proceeded to beat her severely and left her lying in the snow. Injuries included severe frostbite of both hands and feet, which resulted in the loss of multiple falanges of both hands, residual stiffness of both hands and amputation of multiple falanges of one foot. It was the determination of the Board that the claimant was an innocent victim of a violent crime and eligible for compensation. The Board awarded the claimant under Section 18.67.110(2) for permanent partial disability according to the Board's Standards of Compensation.

Award: \$7,500.00

Claim No. 78-081

The claimant, a 34 year old male, alleged he suffered emotional injury due to a divorce. The application was denied as it did not meet any of the eligibility requirements under the statute.

Award: Denied

Claim No. 78-082

The claimant, a 13 year old male, requested compensation as his bicycle was stolen from the school's bicycle rack. The application was denied as the program does not cover monetary loss or property damage but relates specifically to personal injury or death of the victim through a violent crime under Section 18.67.100.

Award: Denied

Claim No. 78-083

The claimant, a 24 year old female, was riding her motorcycle when she was struck by a car and suffered a compound fracture to her right leg. The application was denied under Section 18.67.130(b)(4) as the program does not cover personal injury or death as a result of the operation of a motor vehicle unless the vehicle was used as a weapon in a deliberate attempt to injure or kill the victim.

Award: Denied

X Claim No. 78-084

The claimant, a 39 year old female, stated she received a broken nose in an altercation over an alleged trespassing incident. The feud between the claimant and offender had been ongoing for some time as to whether a road was private or public. It was the decision of the Board to deny the claim on the grounds that (1) it was a simple assault not compensable under the statute as the crimes compensable are listed under Section 18.67.100, (2) the incident was attributable to the claimant's own actions and would be ineligible because of provocation and consent under Section 18.67.080(c), and (3) there was no police report filed which is required under Section 18.67.130(a).

Award: Denied

Claim No. 78-086

The claimant, a 20 year old male, was sitting in a bar when he was confronted by a complete stranger who started beating him with a pool cue. It was discovered that the offender thought the claimant was someone else. It was the determination of the Board that the claimant was an innocent victim of a violent crime and eligible for compensation. The Board awarded medical expenses under Section 18.67.110(1).

Award: \$950.00

Claim No. 78-088

The claimant, a 34 year old female, was sexually assaulted. It was the determination of the Board that the claimant was an innocent victim of a violent crime and eligible for compensation. It was the decision of the Board to award out of pocket expenses and future counselling under Section 18.67.110(1) and (4).

Award: \$4,904.90

Claim No. 78-093

The victim, a 58 year old male, was visiting in the home of a friend. They were drinking when the friend pulled a gun and shot and killed the victim. The claimant is the wife of the victim. It was the decision of the Board to deny the claim under Section 18.67.080(c) on the grounds that there was inadequate evidence that the victim was an innocent victim of a violent crime.

Award: Denied

MEMORANDUM

State of Alaska

TO: Jos Mapranath
Budget Analyst
Department of Public Safety

DATE: January 29, 1979

FILE NO:

TELEPHONE NO:

FROM: Nola K. Capp, Administrator *nc*
Violent Crimes Compensation Board

SUBJECT: Senate Bill 77

Based on the historical data at our disposal, we do not feel there will be a fiscal impact over and above the appropriated funds.

The Honorable Robert Ziegler
Alaska State Senate
Alaska State Legislature
Pouch V
Juneau, Alaska 99811

Dear Senator Ziegler:

The Violent Crimes Compensation Board, at their November meeting, requested I write asking your assistance with a problem in the statute that has arisen several times during the past year.

Several claims have been submitted where the claimant was kicked and beaten causing severe injuries. The Board has had to deny the claims because Aggravated Assault doesn't qualify as a compensable crime under Section 100 of the statute.

The Board would like your assistance in amending Section 100 of the statute to include Aggravated Assault as a qualifying crime so innocent victims of brutal attacks can be compensated.

The Board does not feel this would have a great fiscal impact on the program as claims of this nature do not request large sums of money so no fiscal note would be required.

Your assistance in this matter and your support of the program is appreciated.

Sincerely,

Nola K. Capp
(Mrs.) Nola K. Capp
Administrator

NKC:ang

**THE LEGISLATURE OF THE STATE OF ALASKA
ELEVENTH LEGISLATURE**

FISCAL NOTE

I. REQUEST
 Bill/Resolution No. SB77
 Title An act relating to compensation for criminal injuries.....
 Requested by Legislative Finance Date 1-29-79

II. FISCAL DETAIL
 Agency Affected Department of Public Safety
 Program Category Affected Administration of Justice
 BRU, Program, or Subprogram(s) Affected Violent Crime Compensation Board/Due Process
 (Note: If more than one budget component is affected, separate line-item amounts and funding for each component in the analysis section.)

EXPENDITURES (Thousands of Dollars)

	FY 79	FY 80	FY 81	FY 82	FY 83	FY 84
100 PERSONAL SERVICES						
200 TRAVEL						
300 CONTRACTUAL						
400 COMMODITIES						
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS, ETC.						
TOTAL		-0-	-0-	-0-	-0-	-0-

FUNDING (Thousands of Dollars)

GENERAL FUND						
FEDERAL FUNDS						
OTHER (Specify Fund Source)						

POSITIONS

FULL TIME						
PART TIME						
TEMPORARY						

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

Aggravated assault claims usually involve no large sum of money and the program manager estimates no fiscal impact at all.

IV. DATE 1/29/79 **PREPARED BY** Jos Mapranath, Budget Analyst
AGENCY Department of Public Safety
PHONE 465-4368
 Original: Legislative Finance
 cc: Budget and Management
 Prime Sponsor (First Legislator Named)

A M E N D M E N T

Offered in the SENATE

By the Judiciary Committee

TO: SENATE BILL NO. 77

Page 2, lines 4 - 10:

Delete all material and insert the following:

"(2) the commission or attempt on the part of one other than the applicant to commit any of the following offenses: murder in any degree, manslaughter, criminally negligent homicide, assault in the first or second degree, kidnapping, sexual assault in any degree, sexual abuse of a minor, contributing to the delinquency of a minor under AS 11.51.130(a)(4), threats to do bodily harm, or lewd, indecent, or obscene acts."

STATE OF ALASKA
THE LEGISLATURE

POUCH Y STATE CAPITOL
JUNEAU ALASKA 99811
907-465-3800

LEGISLATIVE AFFAIRS AGENCY

MEMORANDUM

January 31, 1979

SUBJECT: Proposed amendment to Senate Bill No. 77
TO: Members of the Senate Judiciary Committee
FROM: ^{JAMc} James A. McKenzie, Legislative Counsel

The purpose of Senate Bill No. 77 is to allow the Violent Crimes Compensation Board to compensate victims of aggravated assault. This is provided for in sec. 1 by adding aggravated assault to the list of offenses for which compensation may be paid. This list of offenses, however, will be obsolete when the new criminal code takes effect on January 1, 1980. Section 2 of the bill is an attempt to translate the list of offenses, including aggravated assault, into the language of the new criminal code. The difficulty is in translating the terms "threats to do bodily harm" and "lewd, indecent, or obscene acts." (Page 2, lines 22-23). Threats to do bodily harm and lewd, indecent, or obscene acts are not, as such, crimes under the present criminal code or under the new criminal code. I had thought it best to eliminate these general terms and replace them with specific crimes under the new criminal code. Upon reviewing the bill, however, I believe that it is better to leave these terms as they are. There are a number of crimes under the new criminal code which could, in some circumstances, involve threats to do bodily harm or lewd, indecent, or obscene acts. For example, harrassment under AS 11.61.120(a)(4) involves anonymous phone calls, obscene phone calls, and phone calls that threaten physical injury. If this were added to the list, it would read, "harrassment under AS 11.61.120(a)(4) which involves an obscene phone call or a phone call that threatens physical injury."

Use of the general terms in the existing law eliminates the complexity and confusion of listing, with appropriate qualifications, every crime which might come under those terms and helps to insure that new crimes coming under those terms will be covered. The proposed amendment translates the specific crimes listed in sec. 1 into their counterparts under the new criminal code and retains the general terms "threats to do bodily harm" and "lewd, indecent, or obscene acts."

JAMcK:nem

STATE OF ALASKA

JAY S. HAMMOND, GOVERNOR

DEPARTMENT OF PUBLIC SAFETY

VIOLENT CRIMES COMPENSATION BOARD

POUCH N
JUNEAU, ALASKA 99811

January 30, 1979

The Honorable Robert P. Ziegler, Sr.
Alaska State Legislature
Pouch V
Juneau, Alaska 99811

Dear Senator Ziegler:

The Violent Crimes Compensation Board requests passage of SB 77 amending Section 100 of the statute to include Aggravated Assault.

Five claims were submitted in FY78 which had to be denied because the injuries did not result from a crime encompassed under Section 100. While the number does not seem large, the Board believes innocent victims should be compensated for medical expenses and loss of earnings due to injuries received at the hands of assailants.

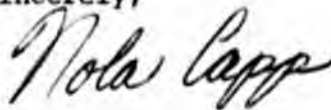
For example, one claimant was at home when two men forced their way into the apartment and beat and kicked the claimant severely. The claimant incurred fractured nasal bones and multiple abrasions and contusions about the head, neck, arms and upper chest. The claimant's medical expenses were \$2,157.00 of which the insurance company paid \$1,561.50, leaving the claimant owing a balance of \$645.50. Since the claimant was in the hospital eight days and unable to work for a period of three weeks total, loss of earnings were incurred in the amount of \$880.55.

As the amount of compensation for each of the claims would be approximately \$2,000.00, the Board does not feel there would be a fiscal impact on the program over and above the appropriated funds.

The Crime of Aggravated Assault appears to be within the intent of the original statute therefore the Violent Crimes Compensation Board supports this bill.

As a Board meeting was previously scheduled in Anchorage on February 1, 1979, it is impossible to personally testify at the hearing. However, your thoughtful consideration will be appreciated.

Sincerely,



(Mrs.) Nola K. Capp
Administrator

NKC:mmg

SB 77 JUDICIARY BY REQUEST.....RELATING TO COMPENSATION FOR
CRIMINAL INJURIES.

THE PURPOSE OF THIS BILL IS TO ADD " AGGRAVATED ASSAULT" TO THE
CRIMES WHICH A PERSON MAY APPLY FOR COMPENSATION FROM THE VIOLENT
CRIMES COMPENSATION BOARD.

SECTION 1. Adds "aggravated assault" to the current offenses
under which a person may apply for compensation.

SECTIONS 2-6 These sections have been rewritten and amended in order
to include the new term for aggravated assault and to
conform to internal cross references under the
new criminal code, which will be effective January,
1980.

*NOTE: Only section 1 will take effect immediately, all other
sections will take effect January 1980.