

VIOLENT
CRIMES
COMPENSATION
BOARD
CONFIRMATION

Alaska State Legislature

Official Business



POUCH V
JUNEAU, ALASKA 99811

Pouch V
State Capitol
Juneau, Alaska 99811

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(session only)

Members

Rep. Barnes, Chairman
Rep. Anderson, Vice-Chairman
Rep. Phillips
Rep. O'Connell
Rep. Freeman
Rep. Meekins
Rep. Buchholdt

House of Representatives

Committee on Judiciary

P.O. Box 3382
Anchorage, AK 99510
(907) 274-1432
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JUNEAU, ALASKA 99811

MEMORANDUM

To: All Members
House Judiciary Committee

From: Representative Ramona L. Barnes *RLB*
Chairman, House Judiciary

Date: May 4, 1982

Re: Confirmation of Governor's Appointment
Douglas F. Strandberg
Violent Crimes Compensation Board

Pursuant to statutory requirements and Speaker Joe Hayes' memorandum of April 28, 1982, the House Judiciary Committee is requested to conduct confirmation hearings on the reappointment of Douglas F. Strandberg to the Violent Crimes Compensation Board.

A joint session of the House and Senate is scheduled for May 10, 1982. The purpose of this session will be to vote on the confirmation of the Governor's appointments, including the Violent Crimes Compensation Board.

Due to the time constraints we are now under (to meet the May 10, deadline to submit a committee recommendation on the confirmation of Douglas F. Strandberg) I am requesting that individual reviews and recommendations be done.

To this end, please find enclosed materials pertinent to the Violent Crimes Compensation Board and the confirmation of Mr. Strandberg. After you have reviewed these materials and taken the steps deemed necessary to clarify any questions, a letter will be brought over for individual recommendations.

Please notify my office when your review has been completed.

Thank you.

Alaska State Legislature



Speaker of the House of Representatives

Pouch V
State Capitol
Juneau, Alaska 99811
(907) 465-3720

Official Business

TO: Representative Ramona Barnes
Judiciary Committee

FROM: Speaker Joe Hayes *JMH*

DATE: April 28, 1982

RE: Confirmation of Governor's Appointments

The following name has been submitted by the Governor for confirmation. Please evaluate the nominee and conduct confirmation hearings as you deem necessary. Please submit your recommendations for action on the nominations by the House of Representatives as soon as possible.

VIOLENT CRIMES COMPENSATION BOARD

*Douglas F. Strandberg, Anchorage, term expiring 12, 15,84

*Reappointment

RESUME OF DOUGLAS F. STRANDBERG

DATE: March 12, 1982

POSITION: Member, Violent Crimes Compensation Board

NAME: Douglas F. Strandberg

HOME ADDRESS: 2121 Loussac Drive, Anchorage, Alaska 99503

WORK ADDRESS: Sourant and Strandberg
A Professional Corporation
425 "G" Street, Suite 960
Anchorage, AK 99501

TELEPHONE: Home: 248-3095 Work: 276-2201

PERSONAL: Born in Anchorage, Alaska
November 30, 1944 -- Age 37
Married - One child
Military - Alaska and Washington
Army National Guard

EDUCATION: Undergraduate Education

Attended Whitman College, University of Alaska,
University of the Americas and graduated from
University of Washington with a BA in Political
Science in 1967.

Activities: People-to-People, World University
Service, Friends of SNCC.

Honors: Alfred P. Sloan National Scholarship
to Whitman College; honors at entrance to
Whitman College.

Law School Education

University of Washington School of Law
Graduated June, 1971

Activities: Legal Aid Society - Co-Chairman 1970-71;
Personal Recognizance Interviewer for Seattle
Municipal Court, Student Coordinator - 1969-70;
Legal Aid to McNeil Island Prisoners Project;
Administrator of the Youth and the Law Committee
of the Young Lawyers Section of the Seattle-King
County Bar Association; Member of the University
of Washington Special Committee on Financial Aid

to the Special Education Program (a program aimed at the increased enrollment of "minority" students).

Honors and Scholarships: Law Review 1969; Karr, Tuttle, Campbell, Koch and Campbell Scholarship 1969-70; American Trial Lawyers Association Scholarship 1970-71.

Class Standing: 13 of 110

PROFESSIONAL EXPERIENCE:

Alaska Partner in law firm of Sourant and Strandberg, Anchorage, Alaska, April 1977 to present. Emphasis on civil litigation.

Associate attorney with firm of Birch, Horton, Bittner & Monroe, Anchorage, Alaska, February 1976 to April 1977.

Washington Deputy Prosecuting Attorney for King County, Seattle, Washington, assigned to Fraud Division, October 1971 to December 1975. Primary responsibilities for investigation and prosecution of white collar crimes.

Legal Intern for King County Prosecutor, Seattle, Washington, April 1971 to October 1971.

Law Clerk and Legal Intern for Office of the Attorney General, Consumer Protection Division, September 1969 to April 1971, engaged primarily in drafting consumer protection legislation and in litigation.

MEMBERSHIPS: Washington Bar Association, 1971 to present
Alaska Bar Association, 1976 to present
Anchorage Bar Association
American Trial Lawyers Association

Sec. 18.66.900. Definitions. In this chapter:

- (1) "council" means the Council on Domestic Violence and Sexual Assault;
- (2) "crisis intervention and prevention program" means a community program that provides information, education, counseling, and referral services to individuals experiencing personal crisis related to domestic violence or sexual assault and to individuals in personal or professional transition, excluding correctional half-way houses, outpatient mental health programs, and drug or alcohol rehabilitation programs;
- (3) "domestic violence" means a crime specified in AS 11.41 when the victim is a spouse or a former spouse of the defendant, or a member of the social unit comprised of those living together in the same dwelling as the defendant;
- (4) "domestic violence program" means a program that provides services to the victims of domestic violence, their families, or perpetrators of domestic violence;
- (5) "local community entity" means a city or borough or other political subdivision of the state, a nonprofit organization, or a combination of these;
- (6) "sexual assault" means a crime specified in AS 11.41.410 — 11.41.450 or AS 11.51.130(a)(4);
- (7) "sexual assault program" means a program that provides services to the victims of sexual assault, their families, or perpetrators of sexual assault. (§ 1 ch 101 SLA 1981)

Chapter 67. Violent Crimes Compensation Board.

Section	Section
1. Purpose	110. Nature of the compensation
2. Violent Crimes Compensation Board	120. Emergency compensation
3. Application for compensation	130. Limitations on awarding compensation
4. Action on application; hearings	140. Recovery from offender
5. Attorney fees	150. False claim
6. Regulations	160. Survival and abatement
7. Standards for compensation	165. Distribution of money received as a result of the commission of crime
8. Awarding compensation	170. Reports
9. Recovery from collateral source	175. Duty to display information
10. [Repealed]	180. Definitions
11. Incidents and offenses to which AS 18.67.010 — 18.67.180 apply	

Revisor's notes. — In ch. 203, SLA 1982 AS 18.67.090 — 18.67.180 were renumbered 18.67.085 — 18.67.140 and were renumbered by the revisor of statutes.

Collateral references. — 21 Am. Jur. 2d, Criminal Law, §§ 565, 577, 579. 24B C.J.S., Criminal Law, §§ 2004-2007.

Highways and Ferries Title 19

Infants and Incapacitated Title 20

See Supplement

Sec. 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 to attempts to prevent the commission of crime or to apprehend suspected criminals. (§ 1 ch 203 SLA 1972; am § 1 ch 132 SLA 1975)

Sec. 18.67.020. Violent Crimes Compensation Board. (a) There is the Violent Crimes Compensation Board in the Department of Public Safety composed of three members to be appointed by the governor. One of the members shall be designated as chairman by the governor. At least one member shall be a medical or osteopathic physician licensed to practice in this state and one member shall be an attorney licensed to practice in this state.

(b) The term of office of each member of the board is three years, except that of the members first appointed one shall be appointed for a term of three years, one for a term of two years, and one for a term of one year. All vacancies, except through the expiration of term, shall be filled for the unexpired term only.

(c) Each member of the board is eligible for reappointment and serves at the pleasure of the governor.

(d) Each member of the board is eligible for reappointment and any member of the board may be removed by the governor for inefficiency, neglect of duty or malfeasance in office after due notice and hearing.

(e) Members of the board receive no salary, but are entitled to per diem and travel expenses authorized by law for other boards.

(f) The board may appoint one or more hearing officers, who must be licensed to practice law in the state, to conduct hearings and take testimony in proceedings under this chapter, but final determinations of any matter shall be only by the board. A hearing officer acting under this section shall report his findings of fact and conclusions of law to the board, together with the reasons for the findings and conclusions. The board shall act only after consideration of the report and other evidence that it considers appropriate.

(g) The board may appoint and fix the duties of personnel necessary for carrying out its functions under this chapter. (§ 1 ch 203 SLA 1972; am § 2 ch 132 SLA 1975; am § 1 ch 87 SLA 1978)

Effect of amendments. — The 1978 amendment substituted "Department of Public Safety" for "Department of Health and Social Services" in the first sentence of subsection (a).

Sec. 18.67.030. Application for compensation. (a) A person who may be eligible for compensation under this chapter may make application to the board. In a case in which the person entitled to make

Tit 17
Public Safety
Tit 18
Public Safety

application is a minor, the application may be made on his behalf by his parent or guardian. In a case in which the person entitled to make application is mentally incompetent, the application may be made on his behalf by his parent, guardian or other individual authorized to administer his estate.

(b) In order to be eligible for compensation under this chapter, the applicant shall, before a hearing on an application under this chapter, submit reports, if reasonably available, from all physicians or surgeons who have treated or examined the victim in relation to the injury for which compensation is claimed at the time of or subsequent to the victim's injury or death. If, in the opinion of the board, reports on the previous medical history of the victim, a report on the examination of the injured victim, or a report on the cause of death of the victim by an impartial medical expert would be of material aid to its determination, the board shall order the reports and examination. (§ 1 ch 203 SLA 1972)

Sec. 18.67.040. Action on application; hearings. (a) Upon application made under the provisions of this chapter, the board shall consider the application and rule on it. The board may, upon its own motion, order a hearing, specifying the time and place it is to be held; if a hearing is ordered, the board shall give notice to the applicant. If, after consideration without a hearing, the decision is unfavorable to the applicant, in whole or in part, the board shall furnish him a written statement of the reason for the ruling. If, within 30 days after receipt of this statement, the applicant requests a hearing on his application, the board shall specify a time and place for a hearing and shall give notice to the applicant. If no request for a hearing is made within the specified time, the decision of the board is final.

(b) For the purpose of carrying out the provisions of this chapter, the board or its hearing officer may hold the hearings, sit and act at the times and places, and take the testimony that it or he considers advisable. The board or its hearing officer may administer oaths or affirmations to witnesses. The board has full powers of subpoena and compulsion of attendance of witnesses and production of documents, but no subpoena shall be issued except under the signature of a member of the board. Application to a court for aid in enforcing the subpoena may be made in the name of the board only by a board member. Subpoenas are served by any person designated by the board.

(c) The applicant and any other person having a substantial interest in a proceeding may appear and be heard, produce evidence and cross-examine witnesses in person or by his attorney. The board or its hearing officer also may hear other persons who in its or his judgment may have relevant evidence to submit.

(d) Admissibility of evidence is governed by the Administrative Procedure Act (AS 44.62).

Highways and Ferries
Title 19

Infants and Incompetents
Title 20

see
supplement

(e) If a person has been convicted of an offense with respect to an act on which a claim under this chapter is based, proof of that conviction shall be taken as conclusive evidence that the offense has been committed, unless an appeal or a proceeding with regard to it is pending.

(f) Orders and decisions of the board shall be final. (§ 1 ch 203 SLA 1972; am § 3 ch 132 SLA 1975)

SEE Supplement

Sec. 18.67.050. Attorney fees. The board may, as part of an order entered under this chapter, determine and allow reasonable attorney fees, which may not exceed 25 per cent of the first \$1,000 amount awarded as compensation, 15 per cent of the next \$9,000 amount awarded as compensation, and 7.5 per cent of the amount awarded as compensation over \$10,000 under AS 18.67.070, to be paid in addition to the amount of the compensation, to the attorney representing the applicant. It is unlawful for the attorney to ask for, contract for, charge, demand, collect or receive a larger sum than the amount allowed by the board in the award of attorney fees. An attorney who violates this section shall forfeit any fee awarded and shall repay the state the fee awarded under this section. (§ 1 ch 203 SLA 1972; am § 4 ch 132 SLA 1975)

Sec. 18.67.060. Regulations. In the performance of its functions, the board is authorized to make, rescind and amend regulations prescribing the procedures to be followed in the filing of applications and in proceedings under this chapter, and relating to other matters the board considers appropriate. (§ 1 ch 203 SLA 1972)

Sec. 18.67.070. Standards for compensation. For the purpose of determining the amount of compensation payable under this chapter, the board shall, insofar as practicable, formulate standards for uniform application of this chapter and take into consideration rates and amounts of compensation payable for injuries and death under other laws of the state and of the United States and the availability of funds appropriated for the purposes of this chapter. (§ 1 ch 203 SLA 1972)

Sec. 18.67.080. Awarding compensation. (a) In a case in which a person is injured or killed by an incident specified in AS 18.67.101(1) or by the act of any other person which is within the description of offenses listed in AS 18.67.101(2), the board may order the payment of compensation in accordance with the provisions of this chapter.

SEE Supplement

- (1) to or for the benefit of the injured person;
- (2) in the case of personal injury or death of the victim, to a person responsible or who had been responsible for the maintenance of the victim who has suffered pecuniary loss or incurred expenses as a result of the injury or death; or

18.67.11
Fund and Trust

18.67.11
Health and Safety

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

(b) For the purposes of this chapter, a person is considered to have intended an act notwithstanding that by reason of age, insanity, drunkenness, or otherwise, he was legally incapable of forming a criminal intent.

(c) In determining whether to make an order under this section, the board shall consider all circumstances determined to be relevant, including provocation, consent or any other behavior of the victim which directly or indirectly contributed to his injury or death, the prior case or social history, if any, of the victim, his need for financial aid, and any other relevant matters.

(d) An order may be made under this section whether or not a person is prosecuted or convicted of an offense arising out of the act which caused the injury or death involved in the application. Upon application made by an appropriate prosecuting authority, the board may suspend proceedings under this chapter for a period it considers appropriate on the ground that a prosecution for an offense arising out of the act which caused the injury or death involved in the application has been commenced or is imminent. (§ 1 ch 203 SLA 1972; am § 5 ch 132 SLA 1975; am § 3 ch 35 SLA 1979)

Effect of amendments. — The 1979 amendment substituted "AS 18.67.101(1)" for "AS 18.67.101(2)" in the introductory paragraph of subsection (a). for "AS 18.67.100(1)" and "AS 18.67.101(2)" for "AS 18.67.100(2)" in the introductory paragraph of subsection (a).

Sec. 18.67.090. Recovery from collateral source. (a) Up to the maximum set in AS 18.67.130(c), the board may award compensation for losses and expenses allowable under AS 18.67.110 for which the applicant is not compensated by the offender or a person on behalf of the offender, or by the United States, a state, or any of its subdivisions or agencies, or a private source or emergency awards under AS 18.67.120, for injury or death compensable under this chapter.

(b) If compensation is awarded under this chapter and the person receiving it also receives a collateral sum under (a) of this section which has not been deducted from it, the board may require that he refund either the amount of the collateral sum or the amount of compensation paid to him under this chapter, whichever is less.

(c) Notwithstanding the provisions of (a) and (b) of this section, in the case of the death of a victim, the value of a life insurance policy may not be considered a collateral sum that may be deducted under this section. (§ 1 ch 203 SLA 1972; am § 6 ch 132 SLA 1975)

Revisor's note. — In ch. 203, SLA 1972, AS 18.67.090 — 18.67.180 were designated 18.67.085 — 18.67.140 and were renumbered by the revisor of statutes.

Title 19
Highways and Ferries

Title 20
Infectious and Communicable Diseases

see supplement

Sec. 18.67.100. Incidents and offenses to which AS 18.67.010-18.67.180 apply.

Repealed by § 6 ch 35 SLA 1979.

Cross references. — For present provisions covering the subject matter of the repealed section, see AS 18.67.101.

Editor's notes. — The repealed section derived from § 1, ch. 203, SLA 1972; § 1, ch. 35, SLA 1979.

Sec. 18.67.101. Incidents and offenses to which AS 18.67.010-18.67.180 apply. The board may order the payment of compensation in accordance with the provisions of this chapter for personal injury or death which resulted from

(1) an attempt on the part of the applicant to prevent the commission of crime, or to apprehend a suspected criminal, or aiding or attempting to aid a police officer to do so, or aiding a victim of a crime; or

(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, robbery in any degree, contributing to the delinquency of a minor under AS 11.51.130(a)(4), or threats to do bodily harm. (§ 2 ch 35 SLA 1979)

Sec. 18.67.110. Nature of the compensation. The board may order the payment of compensation under this chapter for

(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. (§ 1 ch 203 SLA 1972; am § 7 ch 132 SLA 1975)

Sec. 18.67.120. Emergency compensation. If it appears to the board that, prior to taking action on an application, the claim is one for which compensation is probable, and undue hardship will result to the applicant if immediate payment is not made, the board may make an emergency award of compensation to the applicant pending a final decision in the case. However,

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

(2) the amount of the emergency compensation shall be deducted from the final compensation made to the applicant;

(3) the excess of the amount of the emergency compensation over the final amount shall be repaid by the applicant to the board. (§ 1 ch 203 SLA 1972; am § 8 ch 132 SLA 1975)

See Supplement

THE 11
1972

THE 15
1975

Sec. 18.67.130. Limitations on awarding compensation. (a) No order for the payment of compensation may be made under AS 18.67.080 unless the application has been made within two years after the date of the personal injury or death, and the personal injury or death was the result of an incident or offense listed in AS 18.67.101 which had been reported to the police within five days of its occurrence or, if the incident or offense could not reasonably have been reported within that period, within five days of the time when a report could reasonably have been made.

(b) No compensation may be awarded if the victim

(1) is a relative of the offender;

(2) is, at the time of the personal injury or at the time of the injury which results in the death of the victim living with the offender as a member of the same family or household, or maintaining a sexual relationship, whether illicit or not, with the offender or with a member of the offender's family;

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

(4) is injured 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.

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

(d) Orders for payment of compensation under this chapter may be made only as to injuries or death resulting from incidents or offenses occurring on and after July 1, 1971. (§ 1 ch 203 SLA 1972; am §§ 9, 10 ch 132 SLA 1975; am § 4 ch 35 SLA 1979)

Effect of amendments. — The 1979 amendment substituted "AS 18.67.101" for "AS 18.67.100" in subsection (a).

Sec. 18.67.140. Recovery from offender. When an order for the payment of compensation for personal injury or death is made under this chapter, the board, upon payment of the amount of the order, is subrogated to the cause of action of the applicant against the person responsible for the injury or death and is entitled to bring an action against the person for the amount of the damages sustained by the applicant. If an amount greater than that paid under the order is recovered and collected in the action, the board shall pay the balance to the applicant. (§ 1 ch 203 SLA 1972)

Title 19
Highways and Ferries

Title 20
Infectious and Communicable Diseases

See
supplement

Sec. 18.67.150. False claim. A person who knowingly makes a false claim under this chapter is guilty of a misdemeanor and, upon conviction, is punishable by a fine of not less than \$500, or by imprisonment for not more than one year, or by both, and shall forfeit any benefit received and shall repay the state for payment of compensation made under this chapter. (§ 1 ch 203 SLA 1972)

Sec. 18.67.160. Survival and abatement. The rights to compensation created under this chapter are personal and do not survive the death of a victim or dependent entitled to them, except that if the death occurs after an application for compensation has been filed with the Violent Crimes Compensation Board, the proceeding does not abate but may be continued by the legal representative of the decedent's estate. (§ 1 ch 203 SLA 1972)

Sec. 18.67.165. Distribution of money received as a result of the commission of crime. (a) Every person contracting with a person or the representative or assignee of a person, accused of a crime in this state, with respect to the reenactment of that crime, by way of a movie, book, magazine article, radio or television presentation, live entertainment of any kind, or from the expression of that person's thoughts, feelings, opinions or emotions regarding the crime, shall pay to the board any money which would otherwise, by terms of the contract, be owing to the person accused or his representatives. The board shall deposit the money in an escrow account for the benefit of any victim of a crime committed by the person and payable to a victim, provided that the person accused is convicted of the crime and the victim, within five years of the date of the crime, brings a civil action in a court of competent jurisdiction and recovers a money judgment against the person accused or his representatives.

(b) Upon disposition of charges favorable to a person accused of committing a crime, or upon a showing by a person that five years have elapsed from the establishment of the escrow account and no actions are pending against that person under this section, the board shall immediately pay any money in the escrow account to that person.

(c) If an escrow account is established under this section, no otherwise applicable statute of limitation on the time within which civil action may be brought bars action by a victim of a crime committed by the person accused or convicted of the crime as to a claim resulting from the crime until five years have elapsed from the time the escrow account was established.

(d) The board shall make payments from an escrow account to any person accused of crime upon a court order after a showing by that person that

(1) the money will be used for the exclusive purpose of retaining legal representation at any stage of the proceedings against that person, including the appeals process; and

*SEE
supplement*

18.67.150

18.67.165

(2) the person has insufficient assets, other than funds in the escrow account and assets which could be claimed as exempt from execution under state law, to provide for payment of expenses of legal representation.

(e) Any action taken by a person convicted of a crime to defeat the purpose of this section is void as against the public policy of this state. (§ 2 ch 87 SLA 1978)

Sec. 18.67.170. Reports. The board shall prepare and transmit to the governor and legislature annually a report of its activities under this chapter including a brief description of the facts in each case and the amount of compensation awarded. (§ 1 ch 203 SLA 1972; am § 1 ch 1 SLA 1977)

Effect of amendments. — The 1977 amendment deleted "the name of each applicant" following "under this chapter" including" and deleted a comma following "facts in each case."

Sec. 18.67.175. Duty to display information. (a) Every hospital licensed by this state shall display prominently in its emergency room, main entrance, and business office posters notifying the public of the existence and general provisions of this chapter. The board may set standards for the location of this display and shall provide posters and general information regarding the provisions of this chapter to each hospital and to each physician licensed to practice medicine in the state.

(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. (§ 11 ch 132 SLA 1975)

Sec. 18.67.180. Definitions. In this chapter
(1) "board" means the Violent Crimes Compensation Board;
(2) "dependent" means a relative of a deceased victim, who was dependent upon the victim's income at the time of his death; children of a victim born after a victim's death are included;
(3) "personal injury" means actual bodily harm;
(4) "relative" means spouse, parent, grandparent, stepparent, natural born child, stepchild, adopted child, grandchild, brother, sister, half brother, half sister, or spouse's parents;
(5) "victim" means a person who is injured or killed by an incident or offense specified in AS 18.67.101. (§ 1 ch 203 SLA 1972; am § 5 ch 35 SLA 1979)

Title 19
Highways and Ferries

Title 20
Infants and Incapacitated

SEE
supplement

SEE
supplement

Supplement

§ 18.67.010

ALASKA STATUTES SUPPLEMENT

§ 18.67.040

Section

165. Distribution of money received as a result of the commission of crime

170. Reports

Section

175. Duty to display information

180. Definitions

Sec. 18.67.010. Purpose. It is the purpose of AS 18.67.010 — 18.67.180 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. (§ 1 ch 203 SLA 1972; am § 1 ch 132 SLA 1975)

Effect of amendments. — The 1975 amendment deleted "and" preceding "to dependents" and inserted the language beginning "and to certain other persons" and ending "reasonable expense."

Sec. 18.67.020. Violent Crimes Compensation Board. (a) There is the Violent Crimes Compensation Board in the Department of Public Safety composed of three members to be appointed by the governor. One of the members shall be designated as chairman by the governor. At least one member shall be a medical or osteopathic physician licensed to practice in this state and one member shall be an attorney licensed to practice in this state. (am § 2 ch 132 SLA 1975; am § 1 ch 87 SLA 1978)

Effect of amendments. — The 1975 amendment added "and one member shall be an attorney licensed to practice in this state" to the end of the third sentence of subsection (a). The 1976 amendment substituted "Department of Public Safety" for "Department of Health and Social Services" in the first sentence of subsection (a). As the rest of the section was not affected by the amendment, it is not set out.

Sec. 18.67.040. Action on application; hearings. (a) Upon application made under the provisions of AS 18.67.010 — 18.67.180, the board shall consider the application and rule on it. The board may, upon its own motion, order a hearing, specifying the time and place it is to be held; if a hearing is ordered, the board shall give notice to the applicant. If, after consideration without a hearing, the decision is unfavorable to the applicant, in whole or in part, the board shall furnish him a written statement of the reason for the ruling. If, within 30 days after receipt of this statement, the applicant requests a hearing on his application, the board shall specify a time and place for a hearing and shall give notice to the applicant. If no request for a hearing is made within the specified time, the decision of the board is final. (am § 3 ch 132 SLA 1975)

Effect of amendments. — The 1975 amendment, rewrote subsection (a).

As the rest of the section was not affected by the amendment, it is not set out.

Sec. 18.67.050. Attorney fees. The board may, as part of an order entered under AS 18.67.010 — 18.67.180, determine and allow reasonable attorney fees, which may not exceed 25 per cent of the first \$1,000 amount awarded as compensation, 15 per cent of the next \$9,000 amount awarded as compensation, and 7.5 per cent of the amount awarded as compensation over \$10,000 under AS 18.67.070, to be paid in addition to the amount of the compensation, to the attorney representing the applicant. It is unlawful for the attorney to ask for, contract for, charge, demand, collect or receive a larger sum than the amount allowed by the board in the award of attorney fees. An attorney who violates this section shall forfeit any fee awarded and shall repay the state the fee awarded under this section. (§ 1 ch 203 SLA 1972; am § 4 ch 132 SLA 1975)

Effect of amendments. — The 1975 amendment, substituted "25 per cent" for "15 per cent" in the first sentence, and inserted "first \$1,000" and the language beginning "15 per cent" and ending "over \$10,000" in that sentence, deleted "out of

but not" following "to be paid" in that sentence, inserted "charge, demand, collect" and "by the board" in the second sentence, added "of attorney fees" to the end of that sentence, and added the third sentence.

Sec. 18.67.080. Awarding compensation. (a) In a case in which a person is injured or killed by an incident specified in AS 18.67.101(1), or by the act of any other person which is within the description of offenses listed in AS 18.67.101(2), the board may order the payment of compensation in accordance with the provisions of AS 18.67.010 — 18.67.180:

- (1) to or for the benefit of the injured person;
 - (2) in the case of personal injury or death of the victim, to a person responsible or who had been responsible for the maintenance of the victim who has suffered pecuniary loss or incurred expenses as a result of the injury or death; or
 - (3) in the case of death of the victim, to or for the benefit of one or more of the dependents of the victim.
- (am § 5 ch 132 SLA 1975; am § 3 ch 35 SLA 1979)

Effect of amendments. — The 1975 amendment inserted "or death" twice and "or who had been responsible" once in paragraph (2) of subsection (a).

The 1979 amendment substituted "AS 18.67.101(1)" for "AS 18.67.100(1)" and

"AS 18.67.101(2)" for "AS 18.67.100(2)" in the introductory paragraph of subsection (a).

As the rest of the section was not affected by the amendment, it is not set out.

Sec. 18.67.090. Recovery from collateral source. (a) Up to the maximum set in AS 18.67.130(c), the board may award compensation for losses and expenses allowable under AS 18.67.110 for which the

applicant is not compensated by the offender or a person on behalf of the offender, or by the United States, a state, or any of its subdivisions or agencies, or a private source or emergency awards under AS 18.67.120, for injury or death compensable under AS 18.67.010 — 18.67.180.

(b) If compensation is awarded under AS 18.67.010 — 18.67.180 and the person receiving it also receives a collateral sum under (a) of this section which has not been deducted from it, the board may require that he refund either the amount of the collateral sum or the amount of compensation paid to him under AS 18.67.010 — 18.67.180, whichever is less.

(c) Notwithstanding the provisions of (a) and (b) of this section, in the case of the death of a victim, the value of a life insurance policy may not be considered a collateral sum that may be deducted under this section. (§ 1 ch 203 SLA 1972; am § 6 ch 132 SLA 1975)

Effect of amendments. — The 1975 amendment substituted the language beginning "Up to the maximum set in AS 18.67.130(c)" and ending "is not compensated by" for "The board shall deduct from compensation awarded under this chapter the payments received from" at the beginning of subsection (a), substituted "by" for "from" preceding "the United States" and

deleted "from" preceding "a person on behalf of the offender" in that subsection, substituted "the board may require that he refund either the amount of the collateral sum" for "he shall refund to the board the lesser of the sums" in subsection (b), added "whichever is less" to the end of that subsection, and added subsection (c).

Sec. 18.67.100. Incidents and offenses to which AS 18.67.010 — 18.67.180 apply.

Repealed by § 6 ch 35 SLA 1979.

Cross references. — For present provisions covering the subject matter of the repealed section, see AS 18.67.101.

Editor's notes. — The repealed section derived from § 1, ch. 203, SLA 1972; § 1, ch. 35, SLA 1979.

Sec. 18.67.101. Incidents and offenses to which AS 18.67.010 — 18.67.180 apply. The board may order the payment of compensation in accordance with the provisions of AS 18.67.010 — 18.67.180 for personal injury or death which resulted from

(1) an attempt on the part of the applicant to prevent the commission of crime, or to apprehend a suspected criminal, or aiding or attempting to aid a police officer to do so, or aiding a victim of a crime; or

(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, robbery in any degree, contributing to the delinquency of a minor under AS 11.51.130(a)(4), or threats to do bodily harm. (§ 2 ch 35 SLA 1979)

Sec. 18.67.110. Nature of the compensation. The board may order the payment of compensation under AS 18.67.010 — 18.67.180 for

(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;
(am § 7 ch 132 SLA 1975)

Effect of amendments. — The 1975 amendment added the language beginning "and reasonable expenses" to the end of paragraph (2). As the rest of the section was not affected by the amendment, it is not set out.

Sec. 18.67.120. Emergency compensation. If it appears to the board that, prior to taking action on an application, the claim is one for which compensation is probable, and undue hardship will result to the applicant if immediate payment is not made, the board may make an emergency award of compensation to the applicant pending a final decision in the case. However,

(1) the amount of the emergency compensation may not exceed \$1,500;
(am § 8 ch 132 SLA 1975)

Effect of amendments. — The 1975 amendment substituted "\$1,500" for "\$500" at the end of paragraph (1). As the rest of the section was not affected by the amendment, it is not set out.

Sec. 18.67.130. Limitations on awarding compensation. (a) No order for the payment of compensation may be made under AS 18.67.080 unless the application has been made within two years after the date of the personal injury or death, and the personal injury or death was the result of an incident or offense listed in AS 18.67.101 which had been reported to the police within five days of its occurrence or, if the incident or offense could not reasonably have been reported within that period, within five days of the time when a report could reasonably have been made.

(b) No compensation may be awarded if the victim

(1) is a relative of the offender;

(2) is, at the time of the personal injury or at the time of the injury which results in the death of the victim living with the offender as a member of the same family or household, or maintaining a sexual relationship, whether illicit or not, with the offender or with a member of the offender's family;

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

(4) is injured 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.

(c) No compensation may be awarded under AS 18.67.010 — 18.67.180 in an amount in excess of \$25,000 per victim per incident. However, in the case of the death of a victim who has more than one dependent eligible for compensation, the total compensation which may be awarded as a result of that death may not exceed \$40,000. The board may prorate the total awarded among those dependents according to relative need. All payments shall be made in a lump sum.

(d) Orders for payment of compensation under AS 18.67.010 — 18.67.180 may be made only as to injuries or death resulting from incidents or offenses occurring on and after July 1, 1971. (§ 1 ch 203 SLA 1972; am §§ 9, 10 ch 132 SLA 1975; am § 4 ch 35 SLA 1979)

Effect of amendments. — The 1975 amendment, in subsection (b), inserted "at the time of the injury which results in the" in paragraph (2), substituted "the same" and "the offender's" for "his" and "offender" for "person" in that paragraph, substituted "injure or kill" for "run" in paragraph (4), and deleted "down" following "victim" at the end of that paragraph. The amendment also, in subsection (c), divided the former first sentence into the

present first and fourth sentences by adding "\$25,000 per victim per incident" to the end of the present first sentence, adding the present second and third sentences, and substituting "All" for "\$10,000 and all" at the beginning of the present fourth sentence.

The 1979 amendment substituted "AS 18.67.101" for "AS 18.67.100" in subsection (a).

Sec. 18.67.165. Distribution of money received as a result of the commission of crime. (a) Every person contracting with a person, or the representative or assignee of a person, accused of a crime in this state, with respect to the reenactment of that crime, by way of a movie, book, magazine article, radio or television presentation, live entertainment of any kind, or from the expression of that person's thoughts, feelings, opinions or emotions regarding the crime, shall pay to the board any money which would otherwise, by terms of the contract, be owing to the person accused or his representatives. The board shall deposit the money in an escrow account for the benefit of any victim of a crime committed by the person and payable to a victim, provided that the person accused is convicted of the crime and the victim, within five years of the date of the crime, brings a civil action in a court of competent jurisdiction and recovers a money judgment against the person accused or his representatives.

(b) Upon disposition of charges favorable to a person accused of committing a crime, or upon a showing by a person that five years have elapsed from the establishment of the escrow account and no actions are pending against that person under this section, the board shall immediately pay any money in the escrow account to that person.

(c) If an escrow account is established under this section, no otherwise applicable statute of limitation on the time within which civil action may be brought bars action by a victim of a crime committed by the person accused or convicted of the crime as to a claim resulting from the crime until five years have elapsed from the time the escrow account was established.

(d) The board shall make payments from an escrow account to any person accused of crime upon a court order after a showing by that person that

(1) the money will be used for the exclusive purpose of retaining legal representation at any stage of the proceedings against that person, including the appeals process; and

(2) the person has insufficient assets, other than funds in the escrow account and assets which could be claimed as exempt from execution under state law, to provide for payment of expenses of legal representation.

(e) Any action taken by a person convicted of a crime to defeat the purpose of this section is void as against the public policy of this state. (§ 2 ch 87 SLA 1978)

Sec. 18.67.170. Reports. The board shall prepare and transmit to the governor and legislature annually a report of its activities under AS 18.67.010 — 18.67.180 including a brief description of the facts in each case and the amount of compensation awarded. (§ 1 ch 203 SLA 1972; am § 1 ch 1 SLA 1977)

Effect of amendments. -- The 1977 amendment deleted "the name of each applicant" following "under AS 18.67.010 — 18.67.180 including" and deleted a comma following "facts in each case."

Legislative history reports. — For report on ch. 1, SLA 1977 (HB 64), see 1977 House Journal, p. 60.

Sec. 18.67.175. Duty to display information. (a) Every hospital licensed by this state shall display prominently in its emergency room, main entrance, and business office posters notifying the public of the existence and general provisions of AS 18.67.010 — 18.67.180. The board may set standards for the location of this display and shall provide posters and general information regarding the provisions of AS 18.67.010 — 18.67.180 to each hospital and to each physician licensed to practice medicine in the state.

(b) Every law enforcement agency in the state shall inform victims of violent crimes, or their surviving dependents, of the provisions of AS 18.67.010 — 18.67.180 and shall provide application forms to the victims, or their dependents, who desire to seek compensation under AS 18.67.010 — 18.67.180. The board shall provide application forms, all other documents and general information which law enforcement agencies may require to comply with this subsection. (§ 11 ch 132 SLA 1975)

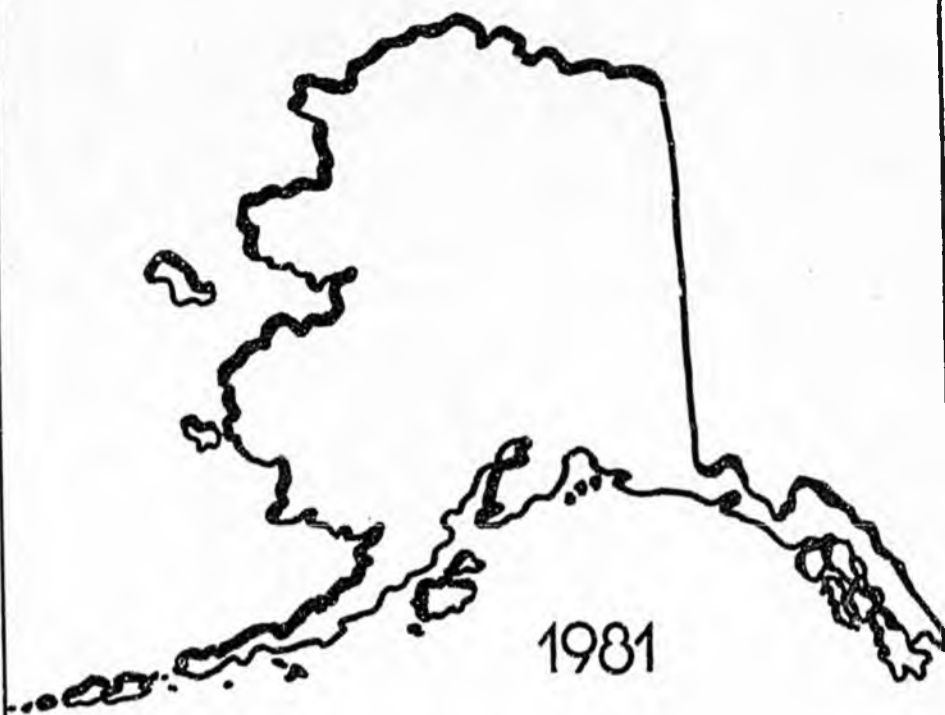
Sec. 18.67.180. Definitions. AS 18.67.010 — 18.67.180

(5) "victim" means a person who is injured or killed by an incident or offense specified in AS 18.67.101. (am § 5 ch 35 SLA 1979)

NOTE REGARDING THE FOLLOWING FRAME ON MICROFILM:

COMPLETE DOCUMENT IS AVAILABLE IN ORIGINAL FILES
IN ALASKA STATE ARCHIVES. TITLE PAGE ONLY HAS
BEEN FILMED.

STATE OF ALASKA
VIOLENT CRIMES
COMPENSATION BOARD



Eighth
Annual Report

STATE OF ALASKA
VIOLENT CRIMES COMPENSATION BOARD
EIGHTH ANNUAL REPORT
1981



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