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COMMITTEE REPORT

SENATE

FURTHER: Finance

1/26/81

Date: Jan. 25, 1982

Mr. President:

The Committee on JUDICIARY has had SB 108

raising the limits of compensation which may be awarded by the Violent Crimes Compensation Board

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

[Signature]

[Signature]

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

MEMBERS HAVING  
OTHER RECOMMENDATIONS:

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

[Signature]  
CHAIRMAN

RE PASS

Introduced: 1/26/81  
Referred: Judiciary and  
Finance

1 IN THE SENATE

BY BRADLEY

2 SENATE BILL NO. 108

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 TWELFTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act raising the limits of compensation which may  
7 be awarded by the Violent Crimes Compensation Board."

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

9 \* Section 1. AS 18.67.130(c) is amended to read:

10 (c) No compensation may be awarded under this chapter in an  
11 amount in excess of \$40,000 [\$25,000] per victim per incident. However,  
12 in the case of the death of a victim who has more than one dependent  
13 eligible for compensation, the total compensation which may be awarded  
14 as a result of that death may not exceed \$80,000 [\$40,000]. The board  
15 may prorate the total awarded among those dependents according to  
16 relative need. All payments shall be made in a lump sum.  
17

Introduced: 1/11/82  
Referred: Judiciary and  
Finance

1 IN THE SENATE

BY BRADLEY

2 SENATE BILL NO. 620

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 TWELFTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act repealing the limitations on awarding compensa-  
7 tion to victims of violent crime if the victim is a  
8 relative or member of the household of the offender."

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

10 \* Section 1. AS 18.67.130(b)(1) and (2) are repealed.  
11  
12  
13  
14  
15

Page 166  
AS 18.67.130

Introduced: 1/11/82  
Referred: Judiciary and  
Finance

1 IN THE SENATE

BY BRADLEY

2 SENATE BILL NO. 620

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 TWELFTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act <sup>RELATING TO THE VIOLENT CRIMES COMPEN</sup> ~~repealing the limitations on awarding compensa~~  
7 ~~tion to victims of violent crime if the victim is a~~  
8 ~~relative or member of the household of the offender."~~  
*BOARD.*

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

10 \* Section 1. AS 18.67.130(b)(1) and (2) are repealed.

11 \* Section 2. AS 18.67.130(c) is amended to read:

12 (c) No compensation may be awarded under this chapter in an  
13 amount in excess of \$40,000 [\$25,000] per victim per incident. However,  
14 in the case of the death of a victim who has more than one dependent  
15 eligible for compensation, the total compensation which may be awarded  
16 as a result of that death may not exceed \$80,000 [\$40,000]. The board  
17 may prorate the total awarded among those dependents according to  
18 relative need. All payments shall be made in a lump sum.

19 ~~Section 3.~~



Official Business

# Alaska State Legislature

## Senate

### Committee on Judiciary

Pouch V  
State Capitol  
Juneau, Alaska 99811

#### MINUTES OF THE SENATE JUDICIARY COMMITTEE

OF

JANUARY 25, 1982

Butrovich Committee Room, State Capitol Juneau, Alaska

#### Legislation Before Committee:

SJR 54 - Proposing amendments to the Constitution of the State of Alaska relating to the confirmation of appointments by the Governor.

SB 108 - "An Act raising the limits of compensation which may be awarded by the Violent Crimes Compensation Board."

SB 620 - "An Act repealing the limitations on awarding compensation to victims of violent crime if the victim is a relative or member of the household of the offender."

The meeting of the Senate Judiciary Committee was called to order by Chairman Rodey at 1:45 P.M. Committee members present were: Senators Rodey, Bennett, and Parr. Senator Hohman and Ray were absent.

The first legislation brought before the committee was SJR 54. Senator Bennett moved that the resolution, as amended be moved from committee with individual recommendations. There was no objection and the resolution was passed. Senators Rodey, Bennett, and Parr signed do pass.

Senator Ray entered the room and his presence was noted for the record.

SB 108 was brought before the committee by Chairman Rodey. Senator Bradley testified in favor of the bill and reported to the committee that there were new fiscal notes being prepared for this bill, but were unavailable to the committee at this time.

Nola Capp, Department of Public Safety, Violent Crimes Compensation Board, testified in favor of SB 108. She stated that the board does not feel the fiscal impact would be dramatic as they will still decide each award on a case by case basis, and in very few instances would the new maximum be applied.

Nola Capp, was again called to witness before the committee. She testified in favor of SB 620.

The next witness called was Victor Krumm, Department of Law, who testified in favor of SB 108, but expressed some concern with the present bill. There were three specific concerns which he addressed:

- 1.) There may be impeachment problems if the witness, at the time of the trial, is asked if she has received an award resulting from the offense.
- 2.) The perpetrator could benefit from this legislation by receiving the compensation award.
- 3.) A possibility of fraudulent claims and a problem with checking on them.

Mr. Krumm added that possibly the funding could be provided through a shelter system and/or some compensation payments could go to service providers to avoid problem 2.

Caren Robinson, Alaska Network on Domestic Violence and Sexual Assault, also testified in favor of SB 620. She stated that domestic violence is a crime and that victims of these offenses should be treated the same as other victims.

After discussion, the committee held the bill over pending staff work on the proposal. The committee adjourned at 2:45 P.M.

THE LEGISLATURE OF THE STATE OF ALASKA  
TWELFTH LEGISLATURE

FISCAL NOTE

I. REQUEST

Bill/Resolution No. Senate Bill 108

Title Raising Limits of Compensation Awarded by Violent Crimes Compensation Board

Requested by Bradley Date 1/21/82

II. FISCAL DETAIL

Agency Affected Department of Public Safety

Program Category Affected Administration of Justice

BRU, Program, Or Subprogram(s) Affected Violent Crimes Compensation Board

(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 82	FY 83	FY 84	FY 85	FY 86	FY 87
100 PERSONAL SERVICES						
200 TRAVEL						
300 CONTRACTUAL						
400 COMMODITIES						
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS, ETC.		50.0	54.5	59.4	64.7	70.5
TOTAL		50.0	54.5	59.4	64.7	70.5

FUNDING (Thousands of Dollars)

	FY 82	FY 83	FY 84	FY 85	FY 86	FY 87
GENERAL FUND		50.0	54.5	59.4	64.7	70.5
FEDERAL FUNDS						
OTHER (Specify Source)						

POSITIONS

	FY 82	FY 83	FY 84	FY 85	FY 86	FY 87
FULL TIME						
PART TIME						
TEMPORARY						

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

SB108 proposes an increase which would double the maximum amount awarded by Violent Crimes Compensation Board for compensation to innocent victims of violent crimes.

The Board does not feel the fiscal impact would be dramatic as they will still decide each award on a case by case basis, and in very few instances would the new maximum be applied.

IV. DATE January 21, 82

PREPARED BY Nola K. Carr

AGENCY Department of Public Safety

Original: Legislative Finance

PHONE 265-3010

Budget and Management

Prime Sponsor (First Legislator Named)

Rev. 11 81

# STATE OF ALASKA

JAY S. HAMMOND, GOVERNOR

## DEPARTMENT OF PUBLIC SAFETY

**VIOLENT CRIMES COMPENSATION BOARD**

POUCH N  
JUNEAU, ALASKA 99811

(907)465-3040

October 16, 1981

Mr. Kevin K. Bruce  
Senate Committee on Judiciary  
601 West Fifth, Suite 315  
Anchorage, AK 99501

Dear Mr. Bruce:

This is to acknowledge receipt of your letter of September 22, 1981, requesting information on the Violent Crimes Compensation Board.

The information is listed below in the order you requested it.

1. The number of claims initiated in FY80 was 98; in FY 81, 111.
2. In FY80, the Board reviewed 93 claims and awarded 61 claims. In FY81, the Board reviewed 93 claims and awarded 59. We always have claims pending from one year to the next, so if you look only at claims initiated and claims heard, it does not present a true picture. For example, in FY80, of the 93 claims heard, 21 were from prior years. In FY81, 20 were pending from prior years.
3. The average dollar amount awarded to each victim is approximately \$4,000 per claim. We do not have this broken down by type of offense, but assaults and homicides make up the larger portion of our claims.
4. We do not keep statistics on the amount of money requested in each claim versus the amount of money awarded. Many claimants do not fill in a specific amount, but just request "maximum allowable."
5. Our monetary limit was raised by the legislature in 1975. As everyone is aware, inflation has increased dramatically, causing medical and funeral expenses, loss of earnings and other expenses to rise. In those few cases where

Kevin K. Bruce

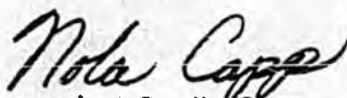
-2-

October 13, 1981

medical expenses are astronomical, and there are no collateral sources to cover them, this bill would enable the Board to fully compensate the victim.

We appreciate your interest in our program, and if we can be of further assistance, please let us know.

Sincerely,

  
(Mrs.) Nola K. Capp  
Administrator

NKC:scj

Notwithstanding their financial problems, most states continue to support programs to assist innocent victims of crime.

# New Roads to Justice:

□ Living alone and only on Social Security, an elderly Kansas woman was robbed and beaten badly one night in her own apartment. Medicare covered all but \$2,800 of her medical expenses. The Kansas Crime Victim Reparation Board awarded her \$2,800 to cover the additional expenses. Were it not for this award, she would have had to give up her small apartment to pay for her medical treatment.

□ A Virginia man in his thirties with a wife and three children was stabbed severely at a family gathering one Christmas Day. As a result, he lost the use of his right hand for an extended period of time and was unable to work. Ineligible for welfare or Social Security, the man also did not receive sick leave from his employer nor was he covered by disability insurance. Consequently, he went without income for four months until he learned of the Virginia Crime Victims Compensation program which awarded him \$10,000 to cover lost earnings.



## Compensating the Victim

Mindy Gaynes

## Compensating the Victim

□ A Maryland man, divorced with an eight-year-old son, was killed when two armed assailants tried to rob the store where he was shopping. The son had relied on his father for partial financial support. The Maryland Criminal Injuries Compensation Board awarded the son \$17,500 for lost support.

While no monetary award can erase the physical and emotional suffering and painful memories these people and others like them experience, monetary compensation can help ease financial burdens thrust upon them and their families as a result of the crime committed against them. Even minor medical expenses can cause enormous hardship to victims unable to afford medical insurance. One day of work missed may mean the difference for some families between heating their homes and feeding their children. The death of a family's main or partial supporter can leave many families helpless. And, of course, the astronomical cost of extensive medical treatment required by severely injured victims can strap the wealthiest of people.

Victims of crime have long been forgotten and ignored by the criminal justice system. While the judicial system goes to great expense to protect the rights of defendants by providing legal counsel, personal protection, housing and food, up until recently little had been done to insure—or even recognize—the rights of victims. Fortunately, this is changing as more states begin to consider their special needs. One important state response has been to establish victim compensation programs to assist victims with out-of-pocket expenses and lost earnings resulting from crimes committed against them. A chart, on page 14 summarizes the major provisions of the states' victim compensation programs.

Ironically, as states strive to trim budgets and eliminate programs, more states are setting up programs to compensate innocent victims of violent crime and their families. To date, 33 states have enacted legislation to establish victim compensation programs (one program, in Rhode Island, will not become operational unless federal funds are made available). A more limited program exists in Georgia which compensates only "Good Samaritans," defined as innocent persons who sustain injury or property damage "in attempting to prevent the commission of crime against the person of another or in aiding or attempting to aid officers of the law upon their request."

**A**rguments justifying victim compensation generally fall into two categories. The first argument is that the state has failed to protect its citizens from crim-

inal activity and is thus liable for injuries resulting from crimes committed against the public. The other argument supports victim compensation for humanitarian reasons, like other social welfare programs, but views it as state aid and not a legal right of its citizens.

Funding for these programs comes from several different sources. In 14 states, the legislature appropriates money annually to cover the costs of the program. In another 14, the programs rely entirely on penalty assessments levied on persons convicted of certain crimes, with the money earmarked for a victim compensation fund. The remaining four programs derive their funds from a combination of general tax revenue and penalty assessments.

These states provide for reimbursement of compensation payments from the offender through "subrogation." The process of subrogation compels convicted offenders to repay the state for all or part of any award it makes. Since most offenders cannot pay and because of the trouble and time it takes to make the few who can pay, subrogation is rarely used.

Restitution, where the offender makes direct payments to the victim, provides another source, though small, of money to victim compensation funds. Any restitution ordered reduces the award the state grants to a victim. If restitution is ordered subsequent to any award, the offender pays directly to the compensation fund.

One of the most recent funding mechanisms developed is established through a "Son of Sam" provision, first enacted in New York in 1977. The enactment of this provision was prompted by the prospect that David Berkowitz, convicted killer in the well-known "Son of Sam" murders, would make over \$1 million in royalties for rights to his story. New York amended its legislation to provide that any money earned by offenders from writing books and articles or otherwise profiting from their crimes, will be put in an

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Thirty-three states have enacted legislation to establish victim compensation programs.

escrow account, from which compensation to victims will be made. Since then, 11 states have enacted similar provisions.

While the states' programs vary greatly in detail, several generalizations can be made. In most cases, losses for which a victim may be compensated include only medical expenses in excess of any medical insurance coverage, and a portion, if not all, of a victim's lost earnings due to missed work. If the victim dies, his family becomes eligible for any out-of-pocket expenses they incur, loss of support if dependency is shown, and funeral expenses. Property loss or damage is not compensable, nor is pain and suffering, except in Hawaii and Tennessee (Tennessee awards up to \$2,500 for pain and suffering for rape victims only). All set maximum awards, ranging from \$1,500 in Colorado to \$50,000 in Ohio and Texas.

**A**dministration of the programs is usually handled through a separate agency created by the enacting legislation, though in a few states either the workmen's compensation program or the Court of Claims administers the victim compensation program. Boards are created to review claims, determine their validity and grant and deny awards. A victim's assailant need not be convicted in order for the victim to be eligible for an award. Evidence that a violent crime did occur, however, must be shown with the burden of proof falling on the victim.

There are several eligibility requirements that most programs share. The states deny awards if the victim provoked the crime, or was involved in an illegal activity at the time of the incident. For example, the Maryland Board denied several awards because claimants were involved in the sale and distribution of narcotics at the time they were victimized. The board pointed out that it did not compensate "individuals who are injured as a result of their own illicit activities."

**B** All but two states, California and Delaware, refuse to grant awards if the victim is related to the offender. Many states also stipulate that an award will be denied if the offender and the victim share the same household. This exclusionary clause is intended to prevent an award that could benefit the offender. This provision has been criticized because it denies aid to innocent victims of domestic violence. Defending the absence of a family exclusion clause, Gerald Jones, assistant to the executive secretary of the State Board of Control which administers California's program, said: "A victim is a victim. The legislature here never felt it was relevant whether the

assailant was directly related to the victim or not. They're still a victim and if they're an innocent victim they should have just as much right to compensation as if [the offender] was a complete stranger, a friend or an acquaintance." Legislation in several states, however, permits the board to waive the family exclusion in the "interest of justice," allowing them flexibility to decide certain claims involving family members.

**S**ome states require that the claimant prove financial hardship before considering the claim. This involves detailed investigation of the claimant's finances, a lengthy and time-consuming procedure. John Lamb, director of the Kansas program, said: "I don't feel a financial need test is necessary. If a person has a lot of assets, they have insurance or collateral assets. We've only had two cases where the people did not meet the minimum financial requirement. We spend more time trying to verify financial resources than we do anything else. We need to check [claims], but I don't think we need to go into the great depths of investigation that we do."

Diane McGrath, a commissioner on the New York Crime Victims Compensation Board, also opposes the financial need requirement because "it tends to punish those who have worked hard all of their lives and accumulated assets. If you never saved a dime and you spent every nickel you had ever made, then we will come in and compensate you."

In some states, the legislature appropriates money for victim compensation; others rely entirely on penalty assessments levied on persons convicted of certain crimes.

## State Victim Compensation Programs

State	Year Effective	Source of Revenue: General Tax Revenue—GTR Penalty Assessments—PA	Maximum Award <sup>1</sup>	Minimum Award	Financial Need	Report to Police	File with Commission	Son of Sam Provision	Out-of-State Residents Covered <sup>2</sup>
Alaska	1972	GTR	\$25,000 <sup>3</sup>			5 days	2 yrs	X	YES
California	1965	PA	\$23,000	\$100	X	YES	1 yr		NO
Colorado	1982	PA	\$ 1,500	\$ 25		72 hrs	6 mos		NO
Connecticut	1979	PA	\$10,000	\$100		5 days	2 yrs		YES <sup>3</sup>
Delaware	1975	PA	\$10,000	\$ 25		YES	1 yr		YES
Florida	1978	GTR, PA	\$10,000		X	72 hrs	1 yr		NO
Hawaii	1967	GTR	\$10,000			YES	18 mos		YES
Illinois	1973	GTR	\$15,000	\$200		72 hrs	1 yr	X	YES
Indiana	1978	GTR, PA	\$10,000	\$100		48 hrs	90 days		NO
Kansas	1978	GTR	\$10,000	\$100	X	72 hrs	1 yr		YES
Kentucky	1976	GTR	\$15,000	\$100	X	48 hrs	1 yr	X	YES <sup>3</sup>
Maryland	1968	GTR, PA	\$45,000	\$100	X	48 hrs	180 days		YES
Massachusetts	1969	GTR	\$10,000	\$100		48 hrs	1 yr	X	NO
Michigan	1977	GTR	\$15,000	\$100	X	48 hrs	30 days		NO
Minnesota	1974	GTR	\$25,000	\$100		5 days	1 yr	X	YES
Missouri	1982	PA	\$10,000	\$200		48 hrs	1 yr		Law is silent
Montana	1978	PA	\$25,000			72 hrs	1 yr	X	YES
Nebraska	1979	GTR	\$10,000			3 days	2 yrs	X	YES
Nevada	1981	PA	\$ 5,000	\$100	X	5 days	1 yr	X	NO
New Jersey	1971	GTR, PA	\$10,000	\$100		3 mos	1 yr		YES
New Mexico	1981	GTR	\$12,500			30 days	1 yr		NO <sup>3</sup>
New York	1966	GTR	\$20,000 plus unltl. medical expenses		X	1 wk	1 yr	X	YES
North Dakota	1975	GTR	\$25,000	\$100		72 hrs	1 yr		YES
Ohio	1976	PA	\$5,000			72 hrs	1 yr		YES
Oklahoma	1981	PA	\$10,000			72 hrs	1 yr	X	YES
Oregon	1978	GTR	\$23,000	\$250		72 hrs	6 mos		YES
Pennsylvania	1977	PA	\$25,000	\$100		72 hrs	1 yr		YES <sup>3</sup>
Tennessee	1976	PA	\$10,000	\$100		48 hrs	1 yr		YES
Texas	1980	PA	\$50,000		X	72 hrs	180 days	X	NO
Virginia	1976	PA	\$10,000	\$100	X	48 hrs	6 mos		YES <sup>3</sup>
West Virginia	1981	PA	\$20,000			72 hrs	2 yrs		YES
Wisconsin	1977	GTR	\$12,000			5 days	2 yrs		YES

1. Includes medical expenses, lost earnings, and funeral expenses.

2. \$25,000 per victim; \$40,000 if there are two or more surviving dependents.

3. If victim is a resident of a state that compensates out-of-state residents.

I feel that's a real inequity in the law."

Others argue that with limited funds available those who are truly burdened by their injuries deserve compensation before those who are more financially secure. Herbert Parker, director of the Florida Crime Compensation Commission, believes the financial needs test is necessary because without it "we would run out of money so fast that we wouldn't have funds to support the program. If people have the capacity to pay for their injuries, then I think they should because there are a tremendous number of persons out there who are victimized and have no way at all to pay the cost of their victimization. On the other hand, a person does not have to be destitute to get assistance. They just must really show that it will create a burden for them to have to pay the cost."

Twenty states require that the victim suffer a minimum financial loss, ranging from \$25 to \$250, for their claim to be considered. Those supporting minimum loss requirements point out the high cost of processing claims offsets the benefits of a small claim. Opponents argue that a \$25 loss to some people is as devastating as \$1,000 loss is to someone more financially secure.

The states, moreover, require that the victim report the crime to the police to be eligible for compensation. Depending on the state, victims have between 24 hours and three months to report, with the average about 72 hours. This requirement is intended to encourage victims to cooperate with law enforcement and, in fact, victims must cooperate in order to receive compensation. By limiting compensation to those who cooperate with the police, it is hoped that more thorough investigations and more convictions will result. Additionally, the states set a time limit after which claims filed with the compensation board will no longer be considered.

In all states except California, the state compensates only those people victimized within its borders. California residents are eligible for compensation from California if they are victims of violent crime, regardless of where the crime occurred. Nine states restrict their program to residents while the remaining programs compensate residents and non-residents alike if the crime occurred within the state.

**O**pposition to victim compensation rarely concerns the merits of the program but focuses on the money involved. These programs are expensive to operate and grow more costly every year. First, as is well known, the cost of medical services continues to soar

Second, the rate of violent crime is on the rise, creating more eligible claimants. Third, states discover that as their programs become more well-known, applications for compensation increase and, accordingly, so must their awards.

That the cost and number of awards are increasing dramatically each year is well documented in annual reports that most compensation boards are required to prepare. Payments to victims in New York have risen from \$1,500 in 1966-67, the first year of operation, to \$5.6 million in 1979-80. In its second biennium of operation, awards from North Dakota—small in comparison to most other programs—more than doubled over the first biennium, from \$50,600 in 1975-77 to \$105,100 in 1977-79. In FY 1981, Illinois awarded 664 claims totalling \$2 million compared with FY 1975 in which 182 claims were granted for the sum of \$363,000.

Some state programs are able to absorb these increased costs with little difficulty. Rising costs and efforts by most states to restrain their budgets, however, are creating serious financial problems for many victim compensation programs. In its move to balance the state budget this year, Washington eliminated its victim compensation program which had been operating since 1976. According to Brian Huseby, claims adjudicator for the now defunct Washington program, "There weren't any particular objections to the program. As far as we can determine, it was simply a budget-cutting measure." There was also some sentiment this year in North Dakota to cut its program, but for now the program is safe from the budget axe.

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All but two states,  
California and  
Delaware, refuse to  
grant awards if the  
victim is related to the  
offender.

Other programs not in immediate danger of abolition are nevertheless experiencing financial troubles. Duane Woodworth, director of the Minnesota Crime Victims Reparation Board, notes that, even with the legislature appropriating more money each year to the program, "We run out of money every year. Last year we ran out of money the first of March and we just sat until the first of July. I anticipate we'll run out of money even with the \$600,000 this year [a \$100,000 increase over last year] by the first of March again."

Massachusetts' and Kentucky's programs are even more financially strapped, having received less money this year from their legislatures than the year before. To offset its loss of general funds, the Kentucky Crime Victims Compensation Board hopes to have legislation passed next year levying fines on convicted offenders to help support the program.

This year, to remove the state's burden for the victim compensation program, California shifted to a penalty assessment fund. Awards in California topped \$6 million in 1979-80, making its program one of the most expensive in the country. By shifting its funding source, the state relieves itself of the fiscal responsibility for the program yet maintains control over its administration. For 1981-82, the California legislature has authorized a budget of \$14.6 million and the victim compensation board expects to spend as much as it receives from penalty assessments.

In many states where victim compensation programs are funded through penalty assessments on convicted persons, experience shows that adequate funds can be raised to support these programs at no cost to the general taxpayer.

Pennsylvania raises an average \$1.8 million a year from penalty assessments, and with program costs of about \$1.3 million, more than meets financial demands. In Montana, 18 percent of highway patrol fines and bail forfeitures are earmarked for the victim compensation fund. Officials project that this will amount to \$350,000 for the coming year which should be adequate to meet their awards.

Connecticut raises the funds through \$10 fines on persons convicted of misdemeanors and \$15 on those convicted of felonies. This funding mechanism collects enough money to meet awards and has even generated a surplus. With the additional money collected, the Connecticut Criminal Injuries Compensation Board grants financial assistance to several victim service programs which assist victims by informing them of the status and progress

of their case from initial investigation to final disposition and by informing victims of available medical and counseling services. Lack of funds constantly threatens the existence of these programs.

Of the six states that passed legislation in 1981 to establish compensation to victims of violent crime, only New Mexico appropriated general tax revenues to fund the program. The other five—Colorado, Missouri, Nevada, Oklahoma and West Virginia—chose to support their programs through fines levied on persons convicted of crimes. Oklahoma State Representative Jim Barker who, along with Representative Frank Harbin and Senator John D. Luton, sponsored a package of "victim's rights" legislation, said "the really good part about our's [the victim compensation program] is the fact that there is absolutely no tax dollars involved in it from the average citizen."

State Senator Paul Powers, sponsor of similar legislation in Colorado, agrees: "Rather than having the general taxpayer bear the burden, I thought it was much more equitable to have the offender fund the program." In addition to not placing the burden of support on the taxpayers' shoulders, this funding source is attractive to legislators who must in a time of severe fiscal restraint discover alternative funding sources to establish and maintain social programs.

This is not to suggest that all is fiscally sound in states that rely solely on penalty assessments to support their

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Since 1965, almost every session of Congress has considered—and rejected—proposals to provide federal assistance to these programs.

programs. As of August 31, 1981, Texas, which collected \$1.13 million in penalty assessments in 1980, had 236 cases pending, amounting to a \$720,000 deficit. Jerry Belcher, director of the Texas Crime Victim Division explains: "We don't have the money to pay the claims. We pay out about \$80,000 in benefits per month; however, about three times that much is being approved." In Ohio, where a \$3 court cost surcharge supplied the victim compensation fund with close to \$5 million last year, a huge deficit is expected unless some changes take place. Hearings were held to consider raising the surcharge to \$10 on certain, and possibly all, crimes. Lowering the maximum award from \$50,000 to \$25,000 is also being considered.

In 1965, legislation was introduced in the U.S. Congress to provide federal funding to state victim compensation programs. Since then, almost every session of Congress has considered—and rejected—proposals to provide federal assistance to these programs. Legislation came close to passage in the 1977-78 session of Congress when both chambers passed bills to pay 25 percent of state costs, but the House later rejected the version agreed to by conference committee.

Currently, there are similar bills in both the House and the Senate. Typically, they propose reimbursement to the states of 50 percent of program costs, though one bill in the House would authorize 75 percent reimbursement. In the case where a state compensates a victim of a violent federal crime, the reimbursement would be 100 percent. A Congressional Budget Office report prepared during the 1979-80 session of Congress estimated that at a 25 percent reimbursement level the cost of this program to the federal government would be \$8 million for the first year, \$13 million the second, and \$16 million for the third year.

Even without the help of federal assistance, the states have forged ahead to provide victim compensation. Yet, the push for federal funding continues. According to Dick Gross, president of the National Association of Crime Victims Compensation Boards and director of the North Dakota program, this effort appears to be "sort of at odds with itself because as they [congressmen] continue to talk about federal legislation, more and more states continue to adopt programs without it. And so it looks at first glance like federal legislation isn't needed. But you have to realize that the states with existing programs are having problems with funding and with general cutting attitudes in the legislatures, these programs are in danger of being cut."

In a speech delivered before the International Associa-

tion of Chiefs of Police on September 23, President Reagan announced that he will soon appoint a Task Force on the Victims of Crime "to evaluate the numerous proposals now springing up regarding victims and witnesses." His speech excluded any mention of new federal funding for victim assistance of which victim compensation is an important, but not the only, service provided by victim assistance programs.

This exclusion emphasizes a point already suspected: Given the general mood of fiscal restraint at the federal level, federal assistance to state victim compensation programs appears unlikely in the near future. In the meantime, the responsibility for victim compensation rests squarely on the states. Notwithstanding the fiscal problems that most victim compensation programs share, the states continue to provide victim compensation, indicating the importance legislators and the public attach to this form of victim assistance.

Yet, even with all its obvious benefits, victim compensation provides only part of the assistance victims need to cope with the events following their assault. Victim and witness assistance programs, generally established within district attorneys' offices, assist victims during all subsequent legal proceedings, informing them of upcoming events relevant to their case. They also act as a referral service for victims in need of counseling and medical attention. In many ways, these programs help to ease the anxiety victims often experience throughout the investigation and trial procedures.

For victims of violent crime, the memories—and often the physical damage—never entirely disappear. But through state and local programs assisting innocent victims, the events following the crime can be made less burdensome and ridden with anxiety. With increasing state support for victim compensation and assistance programs, the picture becomes clearer: The states recognize the special needs of victims and are working hard to provide the attention they deserve.



*Mindy Gaynes is a senior research analyst with NCSL's Legislative Information Services.*

**CATEGORY:**  
**PROGRAM:**

ADMINISTRATION OF JUSTICE  
CRIME IDENTIFICATION AND APPREHENSION

**AGENCY:**  
**BRU (s):**

DEPARTMENT OF PUBLIC SAFETY  
VIOLENT CRIMES COMPENSATION BOARD

The Violent Crimes Compensation Board provides compensation to innocent persons injured, and to dependents of persons killed, as a result of certain serious crimes. Eligibility includes considerations of provocation, personal relationships involved, and financial need.

Specific objectives are to maintain a prompt, efficient, and compassionate program which ensures financial aid to eligible innocent victims of violent crimes, to maintain understanding and cooperation with law enforcement agencies so that information can be obtained to determine eligibility, and to increase public awareness of the Violent Crimes Compensation program. Public awareness is accomplished through the use of the news media as well as by distributing posters and brochures and placing applications with law enforcement agencies, hospitals, medical offices and other concerned outlets.

The Board must objectively evaluate each individual claim. They must determine that:

1. The victim did not initiate the incident.
2. There was no relationship between the victim and the offender.
3. A crime as designated in AS 18.67.100 was committed.
4. The claimant is eligible for an award under the criteria established in AS 18.67.
5. The expenses listed by the claimant were reasonable and actually incurred.
6. The pecuniary loss to dependents of deceased victims is justifiable.

Phone Contact for more information:

Nola Capp, Administrator 465-3040

SERVICE MEASURES	FY 81		FY 82	FY 83	
	Plan	Actual	Plan	Continuation	Total
Percentage of reported cases investigated and adjudicated within three months	60%	45%	50%	55%	55%
Percentage of reported cases investigated and adjudicated between three and six months	22%	27%	24%	20%	20%

## STATE OF ALASKA -- BUDGET UNIT SUMMARY

15:43

1/19/82

AGENCY: DEPARTMENT OF PUBLIC SAFETY  
 CATEGORY: ADMINISTRATION OF JUSTICE

PROGRAM: VIOLENT CRIMES COMP BOARD

COMPONENT DESCRIPTION	FY82 ATH	FY82 SUP	CONT	REQUEST	GOV AMD	GOVERNOR	HOUSE	SENATE	F.C.C.	BILLS	LEG.REC.
	351.8		382.3	382.3		382.3					
MM TOTAL	351.8		382.3	382.3		382.3					
MM CHANGE VERSUS FY82 ATH				8.6%	-100.0%	8.6%	-100.0%	-100.0%	-100.0%		
OBJECT DESCRIPTION											
PERS. SERV.	78.9		85.0	85.0		85.0					
TRAVEL	13.7		15.1	15.1		15.1					
CONTRACTUAL	14.5		15.5	15.5		15.5					
COMMODITIES	1.4		1.5	1.5		1.5					
GRANTS, CLMS	243.3		265.2	265.2		265.2					
FUNDING SOURCE											
GENERAL FUND	351.8		382.3	382.3		382.3					
MM GENERAL FUND CHANGE VS. FY82 ATH				8.6%	-100.0%	8.6%	-100.0%	-100.0%	-100.0%		
POSITIONS											
FULL-TIME	2.0		2.0	2.0		2.0					
STAFF-MONTHS	24.0		24.0	24.0		24.0					

07-12-12-00-00 (12-62-4-05-04-00)

STATE OF ALASKA -- COMPONENT BUDGET ANALYSIS

15:43

1/19/82

AGENCY: DEPARTMENT OF PUBLIC SAFETY  
CATEGORY: ADMINISTRATION OF JUSTICE

PROGRAM: VIOLENT CRIMES COMP BOARD  
SUB-PROGRAM:

\*\*\*\*\* GOVERNOR ANALYSIS \*\*\*\*\*

FY82 ATHS REC \$351.8

OBJECT GROUP	VARIATION		DESCRIPTION: GOVERNOR VERSUS FY82 ATH
01 PERS. SERV.	6.1	7.7%	PERSONAL SERVICES ADJUSTMENT .8, SALARY INCREASE ADJUSTMENT GEN. GOV'T. 5.3.
02 TRAVEL	1.4	10.2%	INFLATION 1.4.
03 CONTRACTUAL	1.0	6.9%	INFLATION 1.3, TRANSFER RISK MANAGEMENT COSTS TO ADMIN. SUPPORT <.3>.
04 COMMODITIES	0.1	7.1%	INFLATION .1.
07 GRANTS, CLMS	21.9	9.0%	INFLATION 21.9.
MM TOTAL	30.5	8.7%	

GOVERNOR FIGURE \$382.3

07-12-12-00-00 (12-62-4-05-04-00)

## STATE OF ALASKA -- COMPONENT\_BUDGET\_SUMMARY

1983

1/19/82

AGENCY: DEPARTMENT OF PUBLIC SAFETY  
CATEGORY: ADMINISTRATION OF JUSTICEPROGRAM: VIOLENT CRIMES COMP BOARD  
SUB-PROGRAM:

## ----- F I S C A L Y E A R 1 9 8 3 -----

EXPENDITURES & FUNDING	(01) FY81 ACT	(02) FY82 ATH	(03) FY82 RP	(04) FY82 SUP	(05) CONT	(06) REQUEST	(07) GOV AMD	(08) GOVERNOR	(09) HOUSE	(10) SENATE	(11) F.C.C.	(12) BILLS	(13) LEG.REC.
01 PERS. SERV.	77.8	78.9			85.0	85.0		85.0					
02 TRAVEL	13.2	13.7			15.1	15.1		15.1					
03 CONTRACTUAL	11.2	14.5			15.5	15.5		15.5					
04 COMMODITIES	.5	1.4			1.5	1.5		1.5					
05 EQUIPMENT													
06 LANDS/BLDGS													
07 GRANTS, CLMS	237.1	243.3			265.2	265.2		265.2					
08 MISC.													
MM TOTAL EXPEND	339.8	351.8			382.3	382.3		382.3					
09 I-A TRANSFER	.5	.8			.5	.5		.5					
10 FED. RECEIPT													
11 F. MATCH													
12 GENERAL FUND	339.8	351.8			382.3	382.3		382.3					
13 PGM RECL TS													
14 OTHER FUNDS													
15 FULL-TIME	2.0	2.0			2.0	2.0		2.0					
16 PART TIME													
17 TEMPORARY													
18 STAFF-MONTHS	24.0	24.0			24.0	24.0		24.0					