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COMMITTEE REPORT  
SENATE

FURTHER: Finance

1/11/82

Date: Feb 21, 1982

Mr. President:

The Committee on JUDICIARY has had SB 620

repealing the limitations on awarding compensation to victims of violent crime

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 SB620  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:

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CHAIRMAN

Lear ✓

~~18.67.130~~  
Delete  
18.67.180(4)?

Original sponsor: Bradley

1 IN THE SENATE BY THE JUDICIARY COMMITTEE  
2 CS FOR SENATE BILL NO. 620 (Judiciary)  
3 IN THE LEGISLATURE OF THE STATE OF ALASKA  
4 TWELFTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act relating to compensation to victims of violent  
7 crime."

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

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

10 (a) No order for the payment of compensation may be made under  
11 AS 18.67.080

12 (1) unless the application has been made within two years  
13 after the date of the personal injury or death; [, AND]

14 (2) the personal injury or death was the result of an incident  
15 or offense listed in AS 18.67.101 which had been <sup>filed with</sup> reported to the police,  
16 ~~WITH THE INTENT OF INITIATING A CRIMINAL PROSECUTION~~  
17 within <sup>15</sup> five days of its occurrence or, if the incident or offense could  
18 not reasonably have been reported within that period, within <sup>15</sup> five days  
19 of the time when a ~~report~~ could reasonably have been made; and

20 (3) the applicant has not initiated the dismissal of criminal  
21 charges against the offender for conduct that is the basis for the  
22 applicant's claim for compensation.

23 \* Sec. 2. AS 18.67.130(b) is amended to read:

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

25 [(1) IS A RELATIVE OF THE OFFENDER;]

26 (2) is, at the time of application for compensation [THE  
27 PERSONAL INJURY OR AT THE TIME OF THE INJURY WHICH RESULTS IN THE DEATH  
28 OF THE VICTIM] living with the offender as a member of the same family  
29 or household, or maintaining a sexual relationship, whether illicit or  
not, with the offender ~~OR WITH A MEMBER OF THE OFFENDER'S FAMILY];~~

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

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

6 \* Sec. 3. AS 18.67 is amended by adding a new section to read:

7 Sec. 18.67.135. EFFECT OF SEEKING DISMISSAL OF CHARGES. A person  
8 awarded compensation under this chapter shall repay the compensation to  
9 the state and is ineligible for future compensation for additional  
10 injuries inflicted by the same offender, if the person initiates the  
11 dismissal of criminal charges against the offender for conduct that is  
12 the basis for the person's claim for compensation.



Official Business

# Alaska State Legislature

## Senate

### Committee on Judiciary

Pouch V  
State Capitol  
Juneau, Alaska 99811

#### MINUTES OF THE SENATE JUDICIARY COMMITTEE

OF

FEBRUARY 24, 1982

Butrovich Committee Room, State Capitol Juneau, Alaska

#### Legislation Before Committee:

- 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."
- SB 193 - "An Act amending state personnel laws; and providing for an effective date."
- SB 611 - "An Act revising the criminal penalties for unlawful operation of an aircraft."

The meeting of the Senate Judiciary Committee was called to order by Chairman Rodey at 1:30 P.M. Committee members present were: Senators Rodey, Parr, Bennett, and Ray.

Chairman Rodey first brought before the committee SB 620. Mr. Bruce gave a brief summary of previous action on the bill.

Sue Johnson, Violent Crimes Compensation Board, testified against CSSB 620, stating that the Board would rather have the discretion in awarding claims than the language in the committee substitute.

Chairman Rodey next called Caren Robinson, Alaska Network on Domestic Violence, before the committee. She testified in favor of the concept of CSSB 620, but stressed that a section should be added to allow direct payment to care providers.

Senator Ray moved that the following amendment be made: Page 1, Line 15, and 17, delete "reported", and insert "filed with"; Page 1, Line 18, delete "report", and insert "filing". Senators Ray, Bennett, and Parr voted in favor of the amendment. Senator Rodey voted against the amendment. The amendment was adopted.

Senator Ray moved that on Page 1, Line 16 and 17, the word "five" be deleted and "fifteen" inserted in its place. Senators Rodey, Bennett, and Ray voted in favor of the amendment. Senator Parr voted against the amendment. The amendment was adopted.

Senator Bennett left the committee meeting to attend to his Finance Committee duties.

Senator Ray moved to pass CSSB 620 from committee as amended. There was no objection. Senator Parr signed no recommendation. Senators Ray and Rodey signed do pass.

Chairman Rodey next brought SB 611 before the committee. Senator Ray explained the purpose of the bill and its background.

After brief discussion Senator Ray moved that the bill be passed from committee. There was no objection. Senators Rodey, Ray, and Parr signed do pass.

The last item on the agenda was SB 193. Mr. Bruce reviewed the history of the bill for the committee.

Chairman Rodey calls Cherie Shelly, APEA, before the committee. Ms. Shelly testified against the deletion of the Limited Entry Commission and the Post Secondary Education from the classified service.

Ken Kareen, Director of Personnel, briefly explained the amendments that the Department of Administration submitted to the Committee last meeting.

There was no action taken on SB 193 and it was returned to the file.

Chairman Rodey adjourned the meeting at 2:50 P.M.



# Alaska Network on Domestic Violence and Sexual Assault

P.O. Box 3356, ANCHORAGE, ALASKA 99510

POSITION PAPER: Senate Bill 620, Senate Bill 108 and House Bill 345

The Alaska Network on Domestic Violence and Sexual Assault is a non-profit corporation composed of 17 domestic violence, sexual assault, and adult crisis intervention programs throughout the State. Network programs are funded in part through grants and contracts awarded by the recently established Council on Domestic Violence and Sexual Assault in the Department of Public Safety.

Based on experience with the issues of sexual assault and domestic violence, the Network offers the following remarks regarding Senate Bill 620, and House Bill 345.

The Network supports Senate Bill 620 and House Bill 345.

Violent Crimes Compensation Programs represent a new commitment to helping people recover from the effects of crime. Some see the programs as an obligation of the state for failure to provide adequate protection. Others view victims compensation as a humanitarian duty. Whatever the rationale for such programs, the exclusion of victims who had a relationship with the offender, is unfair and inconsistent with the goals of compensating victims of violent crimes.

Other states have recognized the injustice of a provision which excludes victims who knew the offender. California, Delaware, Florida, Indiana, and Michigan permit awards to victims who live with or are related to the offender. Michigan's board makes payment for loss directly to the provider of services, when the victim resides with the offender. Minnesota, Montana, North Dakota and Ohio permit awards to household members where "justice requires." Nebraska only denies compensation when the victim was a member of the household and aided and abetted the offender. Finally, Tennessee will only deny an award to a family member if the Board believes such award will unjustly enrich the offender.

Senate Bill 620 and House Bill 345 will not unjustly enrich the offender given the guidelines the Board must follow prior to making an award. Under the current statute the Board must consider all relevant material including: provocation, consent and other relevant behavior of the victim.

One argument against including household members has been the possible fiscal impact. There is no indication that family exclusion saves money. It does, however, deny relief to innocent victims.

Without the amendments included in Senate Bill 620 and House Bill 345, the State of Alaska will continue to deny awards to those who may need help the most. Under the current statute a child may receive nothing even if one parent kills another. The amendments are necessary for the fair and equal protection of all victims of violent crime.

The Network also supports Senate Bill 108 which increases the amount of compensation a victim will be eligible to receive.



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.

FISCAL NOTE

I. REQUEST

Bill/Resolution No. Senate Bill 620

Title An Act repealing the limitations on awarding compensation to victims of violence

Requested by Bradley Date 1/21/82 crime if the

victim is a relative or member of the household of the offender.

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		20.1	31.7	34.6	37.7	41.1
200 TRAVEL		8.5	9.3	10.1	11.0	12.0
300 CONTRACTUAL		11.7	7.1	7.7	8.4	9.2
400 COMMODITIES		.5	.6	.7	.8	.9
500 EQUIPMENT		1.5	-	-	-	-
500 LAND & STRUCTURES						
700 GRANTS, CLAIMS, ETC.		150.0	163.5	178.2	194.2	211.7
TOTAL		199.8	212.2	231.3	252.1	274.9

FUNDING (Thousands of Dollars)

	FY 82	FY 83	FY 84	FY 85	FY 86	FY 87
GENERAL FUND		199.8	212.2	231.3	252.1	274.9
FEDERAL FUNDS						
OTHER (Specify Source)						

POSITIONS

	FY 82	FY 83	FY 84	FY 85	FY 86	FY 87
FULL TIME		1	1	1	1	1
PART TIME						
TEMPORARY						

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

If the proposed legislation is enacted, it is anticipated that claims would double. The current staff for the Violent Crimes Compensation Board consists of the program administrator and a clerical position. The anticipated increase in casework will necessitate the addition of an Administrative Assistant (range 12) and associated costs, including equipment. With the increase in claims and investigation necessary for claims, the Violent Crimes Compensation Board would hold several additional Board meetings at a cost of approximately \$4500 plus additional hearings for approximately \$4000.00. Since this will be a major change in the statute, the public must be made aware through TV spots, radio and newspapers. Production of the TV spots will be a one time expense as will the radio spots. These spots should cost around \$6500 plus another \$1000 for public notices in newspapers around the state. The Department of Administration requested a space rental of \$3200 be placed in the budget.

IV. DATE January 21, 1982

PREPARED BY Nola K. Capp

AGENCY Department of Public Safety

Original: Legislative Finance

PHONE 465-3040

cc: Budget and Management

Prime Sponsor (First Legislator Named)

33-001 (Rev. 12/81)