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SENATE JUDICIARY COMMITTEE LETTER OF INTENT RE SENATE BILL 86

February 23, 1983

Mr. President:

The Judiciary Committee has had Senate Bill 86 under consideration. The Committee recommends that SB 86 do pass.

Under existing law, the Violent Crimes Compensation Board, established in 1972, may not award compensation if the victim of a violent crime is, or was at the time of the crime, a relative of the offender, a member of the offender's family or household, or maintaining a sexual relationship with the offender.

SB 86 would eliminate these restrictions or disabilities, and permit the Board to award compensations in all cases which the Board, operating under standards set forth in AS 18.67.080, finds fitting (within the limitations of the legislature's annual appropriation for this purpose).

The need for SB 86 was demonstrated by testimony before the Committee. Under existing law, a minor living in the household of the offender, whose parent is murdered by the offender, may not be compensated even though the minor was economically dependent upon the parent. In that case -- an actual one -- the Violent Crimes Compensation Board was barred by existing law from awarding compensation; a case-by-case analysis by the board would be preferable.

Concern was expressed lest SB 86 be a basis for awards to a person involved in a sexual relationship with the offender, where the victim explicitly or implicitly consented, as a matter of lifestyle and repeated behavior patterns, to the offender's violent conduct. Since the Violent Crimes Compensation Board has limited resources, and a demand under existing law which is greater than the funds available to the Board, members of the Judiciary Committee felt that the Board should exercise care, if SB 86 becomes law, to avoid having to deny compensation to victims who are strangers to their offenders because of the Board's compensation of newly eligible victims who have consented to violent conduct by offenders with whom the victims have lived.

On this point, the Committee received reassurance from a representative of the Board, who pointed out that SB 86 would require all victims receiving compensation to give "reasonable cooperation to state or local law enforcement agencies in their efforts to apprehend and convict the offender for the crime resulting in personal injury." Moreover, existing law (AS 18.67.080(c)), requires the Board to consider "all circumstances determined to be relevant, including provocation, consent or any other behavior of the victim which directly or

indirectly contributed to the injury or death", and to consider such factors as the prior case history, or social history, of the victim.

In summary, SB 86 would broaden the discretion of the Violent Crimes Compensation Board to make awards, within the limit of available funds, without the limitations and restrictions of existing law where the victim has been a relative of the offender or a member of the offender's household, or involved in a sexual relationship with the offender. At the same time, the Board could weigh such factors as the victim's conduct, history, or express or implied consent, in determining whether an award should be made.

The Committee would expect the Board to consider these factors with care. SB 86 would also require the victim's cooperation with law enforcement agencies' efforts to apprehend and convict the offender.

Senator Bill Ray
Chairman

STATE OF ALASKA
PRELIMINARY STATEMENT OF FISCAL IMPACT

Bill No: SR 86 Date on Bill: 1-27-83
 Title: An Act Relating To Compensation for Victims of Violent Crimes
 Sponsor: Senators Kertulla and Fischer
 Requestor: Senate Judiciary

1. Estimated fiscal impacts on:

a. Expenditures:

		(Thousands of Dollars)			
		FY 83	FY 84	FY 85	FY 86
Capital					
Operating			341.1	349.9	371.0
Total			341.1	349.9	371.0

b. Revenues:

Revenue					

2. Source of funds to offset fiscal impact of bill:

Not Identified by Sponsors of Bill.

3. Assumptions:

If the proposed legislation is enacted it is anticipated there would be an increase of approximately 50 claims. It is estimated we would receive 40 assault claims (the statute covers only Assault I and II) of which we estimate 26 claims would receive compensation, and we would receive 10 death claims and 5 would be awarded, including 2 claims with one dependent per incident and 3 claims with multiple dependents. There will be additional hearings as with the change in statute, the Board will want to be certain the offender will not receive any of the compensation.

4. Disclaimer:

This statement has not been reviewed by the OMB in the Office of the Governor. It therefore does not represent the final estimate of fiscal impact.

Prepared By: Nola K. Capp Phone: 465-3040
 Division: Violent Crime Compensation Board Date: _____

Approved by Commissioner: Robert J. Sundberg *RJS by TPH* Date: 2/15/83
 Department: Public Safety

5. Distribution:

- Original to Legislative Finance
- Copy to OMB
- Copy to Sponsor
- Copy to Requestor

2/15/83

FISCAL NOTE DETAIL
 BILL NO. SB 86

EXPENDITURES		FY 83	FY 84	FY 85	FY 86
100	Personal Services		26.6	28.2	29.9
200	Travel		7.9	8.4	8.9
300	Contractual		17.1	9.1	9.7
400	Commodities				
500	Equipment		2.5		
600	Land & Structures				
700	Grants, Claims, etc.		287.0	304.2	322.5
800	Miscellaneous				
TOTAL			341.1	349.9	371.0
FUNDING					
General Fund			341.1	349.9	371.0
Federal Funds					
Program Receipts					
Inter-Agency Receipts					
Other					
POSITIONS					
Full Time			1	1	1
Part Time/Seasonal					
Non-Perm					
Months					

ANALYSIS:

If the proposed legislation is enacted, it is anticipated there would be an increase of approximately 50 claims. It is estimated we would receive 40 assault claims (the statute covers only Assault I and II) of which we estimate 26 claims would receive compensation. The average award is \$4500.00 per claim so 26 claims would total \$117,000. It is estimated the program would receive 10 death claims and 5 would be awarded: 2 claims at one dependent per incident would be \$50,000 and 3 claims for multiple dependents would be \$120,000 for a total estimated grant money of \$287,000.

Because there will be an increase of claims, it is determined it will be necessary to have one more board meeting at a cost of \$1500.00. Because of the repeal of the statute it is anticipated there would be 8 hearings at \$800 for travel per hearing. The reason for more hearings is because of the change in the statute, the Board will want to be certain the offender will not receive any of the compensation and because of circumstances in some cases, they may order a hearing prior to a final determination by the Board.

The current staff for the Violent Crimes Compensation Board consists of two persons. This change in the statute would necessitate the addition of a clerk typist (range 8) and associated costs, including equipment.

(continued)

Under contractual services, there would be a need for a terminal only for the IBM displaywriter at \$3000.00 per year. There would be the cost of hearing officers' fees for 8 hearings at \$700 per hearing and a total cost of \$5600. 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 costs are assumed to begin 7/1/83.

1.	POSITION TITLE Clerk-Typist III				RANGE/STEP 8B	BARC. UNIT G	FORM 12 PAGE/LINE	GOV.	APPROV.	DISAPP.
2.	TYPE OF POSITION PFT	STAFF MONTHS 12	RP NUMBER	PCN NUMBER	BRU PRIORITY	LOCATION Juneau	ELECTION DISTRICT 4	LEG.		
3.	CONTINUATION LEVEL		ADDITION		JUSTIFICATION					
4.	TYPE OF EXPENDITURE			AMOUNT	<p>The number of claims received annually by the Violent Crimes Compensation Board has doubled since 1976 and is projected to double again during the two-year period ending 6/30/84. Yet the program has only the same two-person staff it had in 1973.</p> <p>It is anticipated the change in the statute will increase the number of claims by 50. This increase, on top of the existing understaffing, will necessitate the addition of a clerk-typist and associated costs, including equipment.</p> <p>Since this is a major change in the statute, all the applications, brochures and posters will have to be redone. The public must be made aware of the changes through TV, radio and newspapers, again much clerical work. There will be an increase in hearings, which must be transcribed verbatim.</p> <p>The equipment costs include a desk, chair, file cabinet, table, calculator and transcriber.</p>					
	1		2	3						
	PERSONAL SERVICES									
5.	Salary		19,176							
6.	Benefits		3,367							
7.	Supplemental Benefits		1,175							
8.	Fixed Benefits		2,880							
9.	TOTAL PERSONAL SERVICES	01		26,598						
10.	Travel		02							
11.	Contractual		03							
12.	Commodities		04							
13.	Equipment		05	2,484						
14.	Other									
15.	TOTAL COST			29,082						
	RECEIPT CODE	FUNDING SOURCE								
16.		Federal Receipts. 1002								
17.		G.F. Match 1003								
18.		General Funds 1004		29,082						
19.		I-A Receipts 1005								
20.		Program Receipts 1028								
21.		Other								
FOR B&H USE ONLY										
4A KEY NUMBER										

13 REQUEST FOR
NEW POSITION

AGENCY Department of Public Safety
PROGRAM Crime Identification & Apprehension
BRU Violent Crimes Compensation Board
COMPONENT _____

FY 84

Page 1 of 1
Revised Date 2/2/83



STATE OF ALASKA
OFFICE OF THE GOVERNOR

BILL ANALYSIS

Department Public Safety	Sponsor (Principal) Kerttula	Bill Number SB86
Department Position Support		
Division Director Nola K. Capp	Date 1/31/83	Commissioner's Signature <i>Robert L. Perry</i> TP# Date 2-3-83

GOVERNOR'S OFFICE USE

Comments:

Position Noted

By

Date

SUMMARY

1. a) Related Bills (Similar or Conflicting) HB 104	1. b) Other Agencies Affected by Bill
2. a) Organizational Support for Bill	2. b) Organizational Opposition to Bill

3. Program Effects of Bill

This bill would add a new paragraph which would enable the Board to pay the provider directly for services provided as a result of the personal injury or death of the victim. The bill also provides a new paragraph which would enable the Board to deny a claim if the claimant refuses to give reasonable cooperation to law enforcement agencies in their efforts to apprehend and convict the offender for the crime resulting in the personal injury, unless good cause for the refusal is shown the Board. The bill also would repeal the section of the Act which now excludes relatives and victims living with offenders.

4. Fiscal Impact: None Fiscal Note Attached

5. Amendments Proposed:

6. Comments:

The Board supports adding the paragraph in Section 18.67.080(a)(4), as many times in the past the provider has not been paid because the service had to be paid in a joint warrant and this warrant did not always get sent to the provider. This would also be less of a hassle for the claimant as they could be notified when the provider was paid, but would not have to mail the warrant to the provider. The Board also supports adding paragraph (5) to Section 18.67.130(b), as they feel there are a few cases where the claimant is justified in fearing retribution from the offender. The Board also supports repealing the Section 18.67.130(b)(1) and (2), as they feel many people in the bush and outlying areas are truly innocent victims, but are not included in the present act because they are living in the same residence as the offender. This repeal would also mean innocent dependent children could receive loss of support when one spouse killed the other spouse and left the children homeless.

STATE OF ALASKA

BILL SHEFFIELD, GOVERNOR

DEPARTMENT OF PUBLIC SAFETY

POUCH N
JUNEAU, ALASKA 99811

VIOLENT CRIMES COMPENSATION BOARD

(907)465-3040

February 1, 1983

The Honorable Robert H. Ziegler
Alaska State Senate
Juneau, Alaska

Re: SB 86
An act relating to compensation
for victims of violent crimes

Dear Senator Ziegler:

The Violent Crimes Compensation Board supports SB 86 and believes it will improve our statute and make it possible to assist innocent victims who have been denied due to the current statute.

This bill would add a new paragraph which would enable the Board to pay the provider directly for services provided as a result of the personal injury or death of the victim. Many times in the past, the provider has not been paid because the service was paid in a joint warrant and this warrant did not always get sent to the provider. One example is a hospital that did not get their money as the claimant received the check and left the state without forwarding it to the provider and we were unable to contact the claimant.

The bill also provides a new paragraph which would enable the Board to deny a claim if the claimant refuses to give reasonable cooperation to law enforcement agencies in their efforts to apprehend and convict the offender for the crime resulting in the personal injury, unless good cause for the refusal is shown the Board. The Board always considers the claimant's attitude and cooperation but there are a few cases where the claimant was justified in fearing retribution from the offender and his family and would not prosecute.

The bill repeals the section of the Act which now excludes relatives and victims living with offenders. The Board supports repealing these two sections as they feel many people in the bush and outlying areas are truly innocent victims, but are not included in the present act because

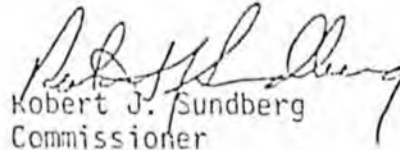
they are living in the same residence as the offender. One example was of a murderer who killed several people including his step-daughter. Because they were related, funeral expenses could not be paid. Another example of a truly innocent victim, is the little eleven-year-old boy who watched as his father killed his mother. The father was convicted and the little boy went to live with his grandparents, who were much older and living on a very limited income. The boy was deprived of both parents, had to move to a new area and needed counselling, none of which could be compensated under the present statute.

These amendments to the statute would be beneficial to many innocent victims in Alaska.

Sincerely,



(Mrs.) Nola K. Capp
Administrator



Robert J. Sundberg
Commissioner

NKC:sj

ALASKA NETWORK ON DOMESTIC VIOLENCE AND SEXUAL ASSAULT

FILE WITH
SB86

P.O. BOX 809

JUNEAU, ALASKA 99802
586-3650

POSITION PAPER

SB86: An Act relating to compensation for victims of violent crimes

The Alaska Network on Domestic Violence and Sexual Assault supports SB86.

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 the 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. The widespread support for not excluding similarly situated victims is evidenced by recommendations made by the President's Task Force on Victims of Crime (December 1982), from which the following is excerpted:

"Another issue is whether victims who are related to, or are living with, the offender should be excluded from payment eligibility. The states' desire to minimize fraud is laudable; however, many innocent victims of violence in the home are being unfairly ignored. Some states have successfully experimented with allowing flexibility in this area as long as the award will not unjustly benefit the offender. A blanket exclusion can be particularly devastating to child victims of intra-family abuse who, as a result, are denied adequate treatment."

Without the amendments included in SB63, 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 Network feels strongly that victims of crime should not be further victimized by the system that exists to protect and serve them. Further, we feel that victims of the crimes of domestic violence and sexual assault should be afforded the same compensation as victims of any other violent crime.

The Alaska Network on Domestic Violence and Sexual Assault is a non-profit corporation composed of twenty-one programs statewide that provide domestic violence, sexual assault, and adult crisis intervention services to members of their respective communities. Network programs are funded in part through grants and contracts awarded by the Council on Domestic Violence and Sexual Assault.

The Network was established in 1978, and has as one of its primary focuses the elimination of domestic violence and sexual assault.

SB 86: BACKGROUND

State compensation for victims of violent crimes was a response to the growing concern that while an offender's rights were protected the rights of the victim were often overlooked. California was the first state to address this issue and in 1965 enacted a Victim Compensation Program. As of January 1, 1983, thirty-four states plus the District of Columbia had established similar programs.

AS 18.67, establishing a Violent Crimes Compensation Board, was adopted by the state legislature in 1972. The purpose of this legislation is:

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. AS 18.67.010.

The Violent Crimes Compensation Board is in the Department of Public Safety. The Board is composed of three members appointed by the governor. It is the duty of the board to review and rule on all applications received. Payment of compensation can be ordered if personal injury or death 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 11.15.130(a)(4), or threats to do bodily harm. AS 18.67.101.

Victim compensation covers reasonable expenses incurred; loss of earnings power due to incapacibility; job retraining or employment-oriented rehabilitative services; pecuniary loss to the dependents of the deceased victim; and other reasonable loss determined by the board. AS 18.67.110.

Presently compensation is made payable to or for the benefit of the injured person; to a person responsible for the maintenance of the victim; or to the dependent of a deceased victim. AS 18.67.080. The total amount of compensation is limited to \$25,000 per victim per incident for losses and expenses not covered by collateral sources. Life insurance proceeds are not treated as a collateral source AS 18.67.090. However, in the case of the death of a victim who has more than one eligible dependent compensation may not exceed \$40,000. AS 18.67.130.

Additional limitations exist under the current state statute. No compensation may be awarded unless an application to the board for compensation was made within two years after the date of the incident and the incident was reported to the police within five days of its occurrence or within five days of the time when a report could reasonably have been made. AS 18.67.130.

Presently 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, such 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.

The bill as introduced would revise the statutes affecting the Violent Crimes Compensation Board as follows:

- (1) AS 18.67.080 would be amended by adding a new paragraph, which would allow compensation to be paid directly to the provider of the service.

Result: The victim receives necessary services and the provider is ensured of payment with a minimal amount of red tape.

Argument for: In situations where the provider has given services to the victim without charge the board must make joint payment to the victim or his representative and the provider. Nola Capp, administration to the board, has encountered numerous cases where payment never reached the provider. With the addition of this new paragraph the administrative procedures will be reduced.

Argument against: The only possible argument against this addition might be the concern that victims who paid for the service would not be reimbursed. This can be countered with the administrative safeguard already in existence. The Board requires receipts of all expenses paid by the victim and also notifies the provider that if payment has already been made then the award of compensation is to be passed on to the victim.

- (2) The bill repeals AS 18.67.130(b) (1) and (2), which deny compensation to the victim if he or she is a relative of the offender, member of the offender's household, maintaining a sexual relationship with the offender or with a member of the offender's family.

Result: The purpose of AS 18.67.10 - AS 18.67.130, "to facilitate and permit the payment of compensation to innocent persons injured" will only be achieved if all "innocent victims" are treated equally.

Arguments for: The relation between the victim and the offender should not work as a financial disadvantage if the victim is innocent, reports the crime and cooperates with the local law enforcement officials. Each case that comes to the board is investigated completely and a determination is made as to whether or not compensation should be awarded. Thus we already have sufficient safeguards in existence to weed out any fabricated stories. Also, since compensation only covers those reasonable expenses incurred as a result of the personal injury nothing is to be gained. The present restriction primarily denies compensation for victims of domestic violence and incest. Rural Alaska presents another problem due to the fact that the population is sparse, housing is often limited and many people are distantly related.

Arguments against: If relatives are allowed to be

compensated for injuries sustained as a result of criminal activity the offender is benefiting from his/her misconduct. Counter: Only reasonable expenses incurred are compensated, thus no financial gain.

Victims of domestic violence will get compensated but might not file charges. Counter: the crime must now be reported under AS 18.67.130, and if this bill passes in its entirety, the victim would be required to aid in the apprehension and conviction of the offender. Once again, the board carefully scrutinizes each case.

Relatives or members of same household are more likely to conspire for financial gain. Counter: where is the gain if only expenses incurred are compensated?

- (3) AS 18.67.130(b) would be amended by adding a new paragraph. No compensation may be awarded if the victim:
- refuses to give reasonable cooperation to state or local law-enforcement agencies in their efforts to apprehend and convict the offender for the crime resulting in the personal injury, unless good cause for the refusal is shown the board.

Result: Although the victim must presently report the incident within five days of its occurrence, this would strengthen the amount of assistance imposed on the recipient of compensation.

Arguments for: This provides the local law enforcement agency with additional support in the apprehension and conviction of offenders. In many ways this is already required because of the reporting requirement. Even a hostile victim/witness can be subpoenaed by the prosecution. More importantly this additional requirement would counter the argument that relatives or members of a household, if eligible for compensation, would conspire to defraud the state through collusion.

Arguments against: Certain victims might argue that this is an unreasonable requirement, particularly if further mental anxiety would occur. However, each case is reviewed individually and the amendment gives the board the discretion to determine whether "good cause" is shown for noncompliance.

Defense attorneys might use this compensation/cooperation requirement to impeach the credibility of a victim/witness with a "bought" testimony argument. The counter argument is that the victim/witness only is reimbursed for reasonable expenses incurred as a result of the perpetrator's criminal conduct. No real financial gain.

Final Note

A victim is a victim and if innocent should be treated as such.

In 1982 the basic provisions of this bill were introduced in the House by Halford and Clocksin (HB 889) and in the Senate, by Bradley (SB 620).

SB 620 restricted compensation if at the time of "application for compensation (the victim) was 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."

This provision only speaks to the time of making application and nothing prevents reconciliation, if that was the point to be made. Because of this I find this provision to be without real merit.

Supporters of the Bill

- *Council on Domestic Violence and Sexual Assault
- *Laren Robinson, speaking for the Network on Domestic Violence and Sexual Assault
- *Nola Capp, administrator of the Violent Crimes Compensation Board
- *Katie Hurley, speaking for the Commission on the Status of Women

Research

NATIONAL CONFERENCE OF STATE LEGISLATURES

STATE PROFILES

STATE VICTIM COMPENSATION PROGRAMS

ALASKA.....Year Effective: 1972
 Source of Revenue: General Tax
 Maximum Award: \$25,000 Minimum Award: --
 Financial Needs Test: No Police Rept. Req.: 5 days
 File with Commission: 2 years Son of Sam Provision: Yes
 Out of State Residents Covered: Yes

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CALIFORNIA...Year Effective: 1965
 Source of Revenue: Penalty Assessments
 Maximum Award: \$23,000 Minimum Award \$100
 Financial Needs Test: Yes Police Rept. Req.: Yes
 File with Commission: 1 year Son of Sam Provision: No
 Out of State Residents Covered: No

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COLORADO.....Year Effective: 1982
 Source of Revenue: Penalty Assessments
 Maximum Award: \$1,500 Minimum Award: \$25
 Financial Needs Test: No Police Rept. Req.: 72 hrs
 File with Commission: 6 mos Son of Sam Provision: No
 Out of State Residents Covered: No

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CONNECTICUT..Year Effective: 1979
 Source of Revenue: Penalty Assessments
 Maximum Award: \$10,000 Minimum Award: \$100
 Financial Needs Test: No Police Rept. Req.: 5 days
 File with Commission: 2 yrs Son of Sam Provision: No
 Out of State Residents Covered: Yes**

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DELAWARE.....Year Effective: 1975
 Source of Revenue: Penalty Assessments
 Maximum Award: \$10,000 Minimum Award: \$25
 Financial Needs Test: No Police Rept. Req.: Yes
 File with Commission: 1 yr Son of Sam Provision: No
 Out of State Residents Covered: Yes

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FLORIDA.....Year Effective: 1978
 Source of Revenue: General Tax OR Penalty Assessments
 Maximum Award: \$10,000 Minimum Award: --
 Financial Needs Test: Yes Police Rept. Req.: 72 hrs
 File with Commission: 1 yr Son of Sam Provision: No
 Out of State Residents Covered: No

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HAWAII.....Year Effective: 1967
 Source of Revenue: General Tax
 Maximum Award: \$10,000 Minimum Award: --
 Financial Needs Test: No Police Rept. Req.: Yes
 File with Commission: 15 mos Son of Sam Provision: No

Out of State Residents Covered: Yes

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N DAKOTA.....Year Effective: 1975

Source of Revenue: General Tax
Maximum Award: \$25,000 Minimum Award: \$100
Financial Needs Test: No Police Rept. Req.: 72 hrs
File with Commission: 1 yr Son of Sam Provision: --
Out of State Residents Covered: Yes

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OHIO.....Year Effective: 1976

Source of Revenue: Penalty Assessments
Maximum Award: \$50,000 Minimum Award: --
Financial Needs Test: No Police Rept. Req.: 72 hrs
File with Commission: 1 yr Son of Sam Provision: No
Out of State Residents Covered: Yes

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OKLAHOMA.....Year Effective: 1981

Source of Revenue: Penalty Assessments
Maximum Award: \$10,000 Minimum Award: --
Financial Needs Test: No Police Rept. Req.: 72 hrs
File with Commission: 1 yr Son of Sam Provision: Yes
Out of State Residents Covered: Yes

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OREGON.....Year Effective: 1978

Source of Revenue: General Tax
Maximum Award: \$23,000 Minimum Award: \$250
Financial Needs Test: No Police Rept. Req.: 72 hrs
File with Commission: 6 mos Son of Sam Provision: No
Out of State Residents Covered: Yes

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PENNSYLVANIA.....

Year Effective: 1977
Source of Revenue: Penalty Assessments
Maximum Award: \$25,000 Minimum Award: \$100
Financial Needs Test: No Police Rept. Req.: 72 hrs
File with Commission: 1 yr Son of Sam Provision: No
Out of State Residents Covered: Yes**

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TENNESSEE.....Year Effective: 1976

Source of Revenue: Penalty Assessments
Maximum Award: \$10,000 Minimum Award: \$100
Financial Needs Test: No Police Rept. Req.: 48 hrs
File with Commission: 1 yr Son of Sam Provision: No
Out of State Residents Covered: Yes

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TEXAS.....Year Effective: 1980

Source of Revenue: Penalty Assessments
Maximum Award: \$50,000 Minimum Award: --
Financial Needs Test: Yes Police Rept. Req.: 72 hrs
File with Commission: 180 days Son of Sam Provision: Yes
Out of State Residents Covered: No

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VIRGINIA.....Year Effective: 1976

Source of Revenue: Penalty Assessments

Maximum Award: \$10,000 Minimum Award: \$100
Financial Needs Test: Yes Police Rept. Req.: 48 hrs
File with Commission: 6 mos Son of Sam Provision: No
Out of State Residents Covered: Yes**

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W VIRGINIA...Year Effective: 1981

Source of Revenue: Penalty assessments
Maximum Award: \$20,000 Minimum Award: --
Financial Needs Test: No Police Rept. Req.: 72 hrs
File with Commission: 2 yrs Son of Sam Provision: No
Out of State Residents Covered: Yes

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WISCONSIN...Year Effective: 1977

Source of Revenue: General Tax
Maximum Award: \$12,000 Minimum Award: --
Financial Needs Test: No Police Rept. Req.: 5 days
File with Commission: 2 yrs Son of Sam Provision: No
Out of State Residents Covered: Yes

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Maximum Award includes medical expenses, lost earnings, and funeral expenses.

** \$25,000 per victim; \$40,000 if there are 2 or more surviving dependents.
* If victim is a resident of a state that compensates out-of-state residents.

* NCSL STAFF CONTACT: Mindy GAYNES *
* 303/555-6600 *
* REV. DATE: 01/15/82 292- *

***** ARTICLES *****

TITLE: ALTERNATIVE SENTENCING: A WAY OUT?
AUTHOR: GREENHOUSE, L.
PERIODICAL: STATE LEGISLATURES.
VOLUME INFORMATION: VOL. 5, NO. 2
DATE 02/01/79
SCOPE
CA DC FE GE IL MA ND TN VA
ABSTRACT

THIS ARTICLE PRESENTS THE NOTION THAT BOTH ECONOMY AND JUSTICE ARE WELL SERVED BY FORMS OF PUNISHMENT OTHER THAN PRISON. IT CONTENDS THAT POLICIES THAT INCREASE THE DURATION AND FREQUENCY OF PRISON SENTENCES ARE BY FAR THE MOST EXPENSIVE WAYS TO DEAL WITH THE CRIME PROBLEM, SO IT IS SURPRISING THAT NEW SENTENCING LAWS AND THE PRISON BUILDING BOOM HAVE SO FAR ESCAPED PROPOSITION 13 FEVER. THEIR IMMUNITY FROM THE FISCAL SCYTHE IS NOT DUE TO ANY GREAT PUBLIC OR LEGISLATIVE SATISFACTION WITH THE PRISON SYSTEM, WHICH MANY BELIEVE HAS FAILED MISERABLY TO REHABILITATE PRISONERS OR DETER CRIMES. ILL. INCLUDED.
NCSL IDENTIFICATION NUMBER: ART7900041

STATE OF ALASKA
PRELIMINARY STATEMENT OF FISCAL IMPACT

Bill No: SB 26 Date on Bill: 1-27-83
 Title: An Act Relating To Compensation for Victims of Violent Crimes
 Sponsor: Senators Vertulla and Fischer
 Requestor: State Judiciary

1. Estimated fiscal impacts on:

a. Expenditures:

(Thousands of Dollars)

	FY 83	FY 84	FY 85	FY 86
Capital				
Operating		341.1	349.9	371.0
Total		341.1	349.9	371.0

b. Revenues:

Revenue				
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2. Source of funds to offset fiscal impact of bill:

Not Identified by Sponsors of Bill.

3. Assumptions:

If the proposed legislation is enacted it is anticipated there would be an increase of approximately 50 claims. It is estimated we would receive 40 assault claims (the statute covers only Assault I and II) of which we estimate 26 claims would receive compensation, and we would receive 10 death claims and 5 would be awarded, including 2 claims with one dependent per incident and 3 claims with multiple dependents. There will be additional hearings as with the change in statute, the Board will want to be certain the offender will not receive any of the compensation.

4. Disclaimer:

This statement has not been reviewed by the CMS in the Office of the Governor. It therefore does not represent the final estimate of fiscal impact.

Prepared By: Nola K. Capp Phone: 465-3040
 Division: Violent Crime Compensation board Date: _____

Approved by Commissioner: Robert J. Sundberg *RJS by TPIT* Date: 2/18/83
 Department: Public Safety

5. Distribution:

- Original to Legislative Finance
- Copy to CMS
- Copy to Sponsor
- Copy to Requestor

2/18/83

FISCAL NOTE DETAIL
BILL NO. SB 86

EXPENDITURES		FY 83	FY 84	FY 85	FY 86
100	Personal Services		26.6	28.2	29.9
200	Travel		7.9	8.4	8.9
300	Contractual		17.1	9.1	9.7
400	Commodities				
500	Equipment		2.5		
600	Land & Structures				
700	Grants, Claims, etc.		287.0	304.7	322.5
800	Miscellaneous				
TOTAL			341.1	349.9	371.0
FUNDING					
General Fund			341.1	349.9	371.0
Federal Funds					
Program Receipts					
Inter-Agency Receipts					
Other					
POSITIONS					
Full Time			1	1	1
Part Time/Seasonal					
Non-Perm					
Months					

ANALYSIS:

If the proposed legislation is enacted, it is anticipated there would be an increase of approximately 50 claims. It is estimated we would receive 40 assault claims (the statute covers only Assault I and II) of which we estimate 26 claims would receive compensation. The average award is \$4500.00 per claim so 26 claims would total \$117,000. It is estimated the program would receive 10 death claims and 5 would be awarded: 2 claims at one dependent per incident would be \$50,000 and 3 claims for multiple dependents would be \$120,000 for a total estimated grant money of \$287,000.

Because there will be an increase of claims, it is determined it will be necessary to have one more board meeting at a cost of \$1500.00. Because of the repeal of the statute it is anticipated there would be 8 hearings at \$800 for travel per hearing. The reason for more hearings is because of the change in the statute, the Board will want to be certain the offender will not receive any of the compensation and because of circumstances in some cases, they may order a hearing prior to a final determination by the Board.

The current staff for the Violent Crimes Compensation Board consists of two persons. This change in the statute would necessitate the addition of a clerk typist (range 8) and associated costs, including equipment.

(continued)

Under contractual services, there would be a need for a terminal only for the IBM displaywriter at \$3000.00 per year. There would be the cost of hearing officers' fees for 8 hearings at \$700 per hearing and a total cost of \$5600. 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 costs are assumed to begin 7/1/83.

1.	POSITION TITLE Clerk-Typist III				RANGE/STEP 8B	BARC. UNIT G	FORM 12 PAGE/LINE	GOV.	APPROV.	C. STAFF.
2.	TYPE OF POSITION PPP	STATE POSITIS 12	RP NUMBER	OPEN NUMBER	ORG PRIORITY	LOCATION Juneau	ELECTION DISTRICT 4	U.C.		
3.	CONTINUATION LEVEL				JUSTIFICATION					
4.	TYPE OF EXPENDITURE			AMOUNT						
	PERSONAL SERVICES									
5.	Salary		19,176							
6.	Benefits		3,367							
7.	Supplemental Benefits		1,175							
8.	Fixed Benefits		2,880							
9.	TOTAL PERSONAL SERVICES		01	26,598						
10.	Travel		02							
11.	Contractual		03							
12.	Commodities		04							
13.	Equipment		05	2,484						
14.	Other									
15.	TOTAL COST			29,082						
16.	RECEIPT CODE	FUNDING SOURCE								
17.		Federal Receipts	1002							
18.		G.I. Hatch	1003							
19.		General Funds	1004	29,082						
20.		I-A Receipts	1005							
21.		Program Receipts	1028							
		Other								
FOR BSA USE ONLY										
4A KEY NUMBER										

The number of claims received annually by the Violent Crimes Compensation Board has doubled since 1976 and is projected to double again during the two-year period ending 6/30/84. Yet the program has only the same two-person staff it had in 1973.

It is anticipated the change in the statute will increase the number of claims by 50. This increase, on top of the existing understaffing, will necessitate the addition of a clerk-typist and associated costs, including equipment.

Since this is a major change in the statute, all the applications, brochures and posters will have to be redone. The public must be made aware of the changes through TV, radio and newspapers, again much clerical work. There will be an increase in hearings, which must be transcribed verbatim.

The equipment costs include a desk, chair, file cabinet, table, calculator and transcriber.

AGENCY Department of Public Safety

PROGRAM Crime Identification & Apprehension

BRU Violent Crimes Compensation Board

COMPONENT

FY 84

13 REQUEST FOR NEW POSITION

Page 1 of 1

Revised Date 2/2/83

AS18.67.110 DOCUMENT= 1 OF 1 PAGE = 1 OF 2
CHAPTER = 18.67
SECTION = 18.67.110
TITLE = 18

HEADINGS TITLE 18.
Health and Safety.
CHAPTER 67.
Violent Crimes Compensation Board.

CITATION Sec. 18.67.110.

CATCH LINE

NATURE OF THE COMPENSATION.

TEXT 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.

HISTORY (Sec. 1 ch 203 SLA 1972; am sec. 7 ch 132 SLA 1975)

HEADINGS TITLE 18.
Health and Safety.
CHAPTER 67.
Violent Crimes Compensation Board.

CITATION Sec. 18.67.130.
CATCH LINE

LIMITATIONS ON AWARDING COMPENSATION.

TEXT

(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.

HISTORY

(Sec. 1 ch 203 SLA 1972; am secs. 9, 10 ch 132 SLA 1975; am sec. 4 ch 35 SLA 1979)

AS18.67.080 DOCUMENT= 1 OF 1 PAGE = 1 OF 3
CHAPTER = 18.67
SECTION = 18.67.080
TITLE = 18

HEADINGS TITLE 18.
Health and Safety.
CHAPTER 67.
Violent Crimes Compensation Board.

CITATION Sec. 18.67.080.

CATCH LINE

AWARDING COMPENSATION.

TEXT

(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:

(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.

(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.

HISTORY

(Sec. 1 ch 203 SLA 1972; am sec. 5 ch 132 SLA 1975; am sec. 3 ch 35 SLA 1979)