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COMMITTEE REPORT

SENATE

FURTHER: FINANCE

3/4/85

Date 3/26/85

Mr. President

The Committee on STATE AFFAIRS considered SB 211
compensation for victims of certain crimes.

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

- do pass
- do pass with attached amendment(s)
- replace with/or adopt CS for SB 211(SA)
- new title
- same title and recommends _____
- and attached a "LETTER OF INTENT" NEW FISCAL NOTE
- reports it back without recommendation
- recommends referral to _____ Committee

MEMBERS SIGNING
DO PASS

V. Kischner

MEMBERS HAVING
OTHER RECOMMENDATIONS

Edna De Vries No Rec
Tom Kelly No Rec

[Signature]
Chairman
[Signature]
Chairman recommendation

Edwards
3/20/85-

Original sponsors: Rodey, Ziegler, Josephson
and Sturgulewski

1 IN THE SENATE

BY THE STATE AFFAIRS COMMITTEE

2 CS FOR SENATE BILL NO. 211 (State Affairs)

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 FOURTEENTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act relating to compensation for victims of
7 certain crimes."

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

9 * Section 1. It is the intent of the legislature that ch. 96, SLA 1983
10 is retroactive to October 23, 1981 for the purpose of compensating victims
11 under AS 18.67.080 and sec. 2 of this Act.

12 * Sec. 2. Notwithstanding AS 18.67.130(a)(1), compensation may be made
13 under AS 18.67.080 for injuries or death suffered by a victim after
14 October 22, 1981 and before October 23, 1983 as a result of the operation
15 of a motor vehicle, boat, or airplane by an intoxicated offender if the
16 application for compensation is filed with the board no later than two
17 years after the effective date of this Act.

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Suggested CS CSSB 211

FISCAL NOTE ANALYSIS
SB 211

The Violent Crimes Compensation Board has 39 claims pending, for the specified time period, that would be affected by this bill. Historically, the Board's denial rate is approximately 1/3 of the claims filed. This means approximately 26 claims would be awarded. The average cost per claim is \$5000.00. Victims of drunk drivers have a much higher average award cost due to the multiple injuries incurred and the length of time needed for recuperation. The states that compensate DWI victims place the average award at double the cost for these victims. Of the 39 claims, approximately 2/3 or 26 claims would be awarded. Nineteen of the claims would be awarded at \$10,000.00 per claim, and ten would be awarded at \$5000 per claim for a total of \$225,000.00.

The Highway Safety Planning agency gave us the number of alcohol-related accidents which have occurred in 1981, 1982 and 1983. For those three years, there were 157 fatalities and 2,912 injuries. While many of these would not apply for a number of reasons, a conservative estimate would be 15 fatalities (10 fatalities @ \$25,000.00 each and 5 fatalities @ \$40,000.00 each) for a total cost amount of \$450,000.00; an estimated 50 injuries (\$10,000.00 each) would apply for a total cost of \$500,000.00.

Because of the increased claims, there would be more hearings and more travel for the hearings. A conservative estimate would be 20 more hearings at a cost of approximately \$800.00 per hearing and the travel to the hearings would be 20 trips at \$400.00 per trip.

This should be a single separate continuing appropriation.

fiscal note & analysis

STATE OF ALASKA 1985 LEGISLATIVE SESSION
FISCAL NOTE

Revision Date: 3/20/85

REQUEST

Bill/Resolution No. SB 211
Title: An Act Relating
To Compensation

Sponsor: Rodey
Requestor: Sen State Affairs
Date of Request: 3/21/85

FISCAL DETAIL

Agency Affected: Public Safety
Program Category Affected: Admin. Justice

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

EXPENDITURES/REVENUES: (Thousands of Dollars)

	FY 85	FY 86	FY 87	FY 88	FY 89	FY 90
OPERATING						
100 PERSONAL SERVICES						
200 TRAVEL		8.0				
300 CONTRACTUAL		16.0				
400 SUPPLIES						
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS		1,175.0				
800 MISCELLANEOUS						
TOTAL OPERATING		1,199.0				
CAPITAL						
REVENUE						

FUNDING: (Thousands of Dollars)

GENERAL FUND		1,199.0				
FEDERAL FUNDS						
OTHER						
TOTAL		1,199.0				

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS: Attach a separate page if necessary

See attached page.

Prepared By: Nola K. Capp, Administrator
Division: V. C. C. B.

Phone: 465-3040
Date: 3/20/85

Approved by Commissioner: [Signature]
Agency: Public Safety

Date: 3/22/85

Distribution (by Agency preparing fiscal note):

- Legislative Finance
- Legislative Sponsor
- Requestor
- Office of Management and Budget
- Impacted Agency(ies)

7/1/84

DEPARTMENT OF PUBLIC SAFETY

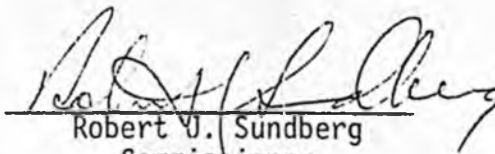
POSITION PAPER - SB 211

SUPPORT

SB 211 - "An Act relating to compensation for victims of certain crimes."

The intent of this bill is to make the amended statute (ch. 96, SLA 1983) retroactive to October 1981.

The statute was amended to include victims living with or related to the offender and victims of drunk drivers and the effective date of this amendment was October 23, 1983. This bill would make the amended statute retroactive to October of 1981, which gives the new classes of victims two years to apply for compensation. The original statute gives victims two years in which to apply. The Board supports this bill because it gives all classes of victims the same eligibility requirements.


Robert J. Sundberg
Commissioner

88-211

ELECT - QUERY
0001 ALL CHAPTER EQ CH096

CHAPTER96 DOCUMENT= 1 OF 1

BILL = HCSCSSB86(JUD)AMH
CHAPTER = CH096
ROOT = SB0086
YEAR = 83
DOT = SB0086
BILL = HCSCSSB86(JUD)AMH
CHAPTER NUMBER
CH096

SPECIAL INFO
CHAPTER 96
SOURCE: HCSCSSB86(JUD)AMH
APPROVED BY THE GOVERNOR: JULY 25, 1983
ACTUAL EFFECTIVE DATE: OCTOBER 23, 1983

RELATING TO

AN ACT

RELATING TO COMPENSATION FOR VICTIMS OF VIOLENT CRIMES.
BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

* SECTION 1. AS 18.67.080(A) IS AMENDED BY ADDING A NEW PARAGRAPH TO READ:

(4) TO THE PROVIDER OF A SERVICE UNDER AS 18.67.110(B).

* SEC. 2. AS 18.67.101(2) IS AMENDED TO READ:

(2) THE COMMISSION OR ATTEMPT ON THE PART OF ONE OTHER THAN THE APPLICANT TO COMMIT ANY OF THE FOLLOWING OFFENSES: MURDER IN ANY DEGREE, MANSLAUGHTER, CRIMINALLY NEGLIGENT HOMICIDE, ASSAULT IN THE FIRST OR SECOND DEGREE, KIDNAPPING, SEXUAL ASSAULT IN ANY DEGREE, SEXUAL ABUSE OF A MINOR, ROBBERY IN ANY DEGREE, CONTRIBUTING TO THE DELINQUENCY OF A MINOR UNDER AS 11.51.130(A)(4), SORE THREATS TO DO BODILY HARM(, OR DRIVING WHILE INTOXICATED OR ANOTHER CRIME RESULTING FROM THE OPERATION OF A MOTOR VEHICLE, BOAT, OR AIRPLANE WHEN THE OFFENDER IS INTOXICATED).

* SEC. 3. AS 18.67.110 IS AMENDED BY ADDING A NEW SUBSECTION TO READ:

(B) THE BOARD MAY ORDER THAT COMPENSATION UNDER (A) OF THIS SECTION FOR A SERVICE PROVIDED AS A RESULT OF THE PERSONAL INJURY OR DEATH OF THE VICTIM BE PAID DIRECTLY TO THE PROVIDER OF THE SERVICE.

* SEC. 4. AS 18.67.130(A) IS AMENDED TO READ:

(A) NO ORDER FOR THE PAYMENT OF COMPENSATION MAY BE MADE UNDER AS 18.67.080 UNLESS (1) THE APPLICATION HAS BEEN MADE WITHIN TWO YEARS AFTER THE DATE OF THE PERSONAL INJURY OR DEATH(,;) 5, AND

(2) THE PERSONAL INJURY OR DEATH WAS THE RESULT OF AN INCIDENT OR OFFENSE LISTED IN AS 18.67.101 (THAT) 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(; AND_)

(_(3) IN THE DISCRETION OF THE BOARD, THE APPLICANT HAS COOPERATED WITH LAW ENFORCEMENT AND PROSECUTION OFFICIALS TO FURTHER PROSECUTION OF THE OFFENDER IF APPROPRIATE AND TO AVOID FURTHER INJURY BY THE OFFENDER TO THE APPLICANT AND INJURY TO PERSONS IN THE CARE OF THE APPLICANT WHO ARE EXPOSED TO POSSIBLE INJURY BY THE OFFENDER._)

* SEC. 5. AS 18.67.130(B)(4) IS AMENDED TO READ:

(4) IS INJURED AS A RESULT OF THE OPERATION OF A MOTOR VEHICLE, BOAT OR AIRPLANE UNLESS THE VEHICLE WAS USED (_BY THE OFFENDER WHILE INTOXICATED OR_) AS A WEAPON IN A DELIBERATE ATTEMPT TO INJURE OR KILL THE VICTIM.

* SEC. 6. AS 18.67.130(C) IS AMENDED TO READ:

(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 (_THAT_) 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.

* SEC. 7. AS 18.67 IS AMENDED BY ADDING A NEW SECTION TO READ:

SEC. 18.67.162. CRIME VICTIM COMPENSATION FUND. THERE IS CREATED A CRIME VICTIM COMPENSATION FUND WHICH SHALL BE ADMINISTERED BY THE VIOLENT CRIMES COMPENSATION BOARD. THE FUND CONSISTS OF MONEY APPROPRIATED TO IT BY THE LEGISLATURE. THE FUND SHALL BE ADMINISTERED IN ACCORDANCE WITH THE PROVISIONS OF THIS CHAPTER. MONEY DISTRIBUTED FROM THE FUND SHALL BE IN ADDITION TO OTHER SOURCES OF COMPENSATION PROVIDED IN THIS CHAPTER.

* SEC. 8. AS 18.67.130(B)(1) AND (2) ARE REPEALED.

0601 * END OF DOCUMENTS IN LIST - ENTER RETURN OR ANOTHER COMMAND.

IN THE SUPERIOR COURT FOR THE STATE OF ALASKA
THIRD JUDICIAL DISTRICT

JOANNE C. BOYLE,)
)
Appellant,)
)
vs.)
)
VIOLENT CRIMES COMPENSATION)
BOARD, STATE OF ALASKA)
)
Appellee.)
_____)

RECEIVED
KLM
FEB 04 1985

Hughes Thorsness, Gantz
Powell & Brundin

Case No. 3AN-84-4982 Civ.

AFFIDAVIT OF HUGH MALONE

STATE OF ALASKA)
) ss:
THIRD JUDICIAL DISTRICT)

Hugh Malone, being first duly sworn upon his oath,
states as follows:

1. That I was a member of the State of Alaska House of
Representatives, Thirteenth Legislature, First Session.

2. That during my service in that session, I offered
Floor Amendment No. 2 to Senate Bill No. 86 which amendment
provided that the provisions of the bill be retroactive to
January 1, 1981. Floor Amendment No. 2 was passed by the House
and subsequent to notice of reconsideration, I was approached
and advised that the amendment was probably in part redundant
because incidents occurring two years prior to the effective
date of the act would be covered. As a result, I directed
research and inquiries be conducted on this question, and upon
being advised that the provisions of the Bill would cover
incidents occurring up to two years prior to its effective
date, I moved and asked the House for unanimous consent that
Senate Bill 86 be returned for a second reading for the purpose
of rescinding the adoption of Floor Amendment No. 2 and for

HUGHES THORSNESS
GANTZ POWELL & BRUNDIN
ATTORNEYS AT LAW
509 WEST THIRD AVENUE
ANCHORAGE, AK 99501
(907) 274-7522

Boyle vs. Violent Crimes Comp

unanimous consent that Amendment No. 2 be withdrawn. The House made no objection and it was so ordered and Senate Bill 86 passed the house unamiously on reconsideration.

3. That I communicated the information which I obtained regarding coverage of incidents occurring up to two years prior to the effective date of the Act to fellow legislators prior to withdrawal of my amendment and passage of Senate Bill 86.

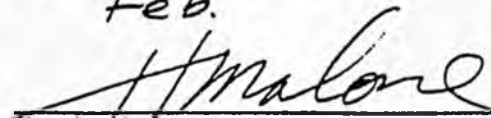
4. That I would not have sought withdrawal and reconsideration of my Floor Amendment No. 2 unless I had been informed and believed that provisions of the Bill would cover incidents occurring up to two years prior to the effective date of the Act. Based on the original passage of my Amendment No. 2 by a margin of 28 in favor and 10 against it is my belief that my Floor Amendment No. 2 would have been retained as a part of Senate Bill 86 except for my request for withdrawal and rescission.

5. That based on all of the foregoing it is my opinion and belief that Senate Bill 86 was passed with the intent that its coverage include incidents occurring up to two years prior to the effective date of the legislation.

FURTHER YOUR AFFIANT SAYTH NAUGHT.

Dated this 1 day of ~~January~~ 1985.

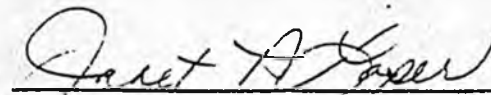
Feb.



Hugh Malone

SUBSCRIBED AND SWORN to before me this 2 day of ~~January~~, 1985.

February



Notary Public in and for Alaska
My Commission Expires: 10/26/87

1 IN THE SUPERIOR COURT FOR THE STATE OF ALASKA
2 THIRD JUDICIAL DISTRICT AT ANCHORAGE

3 JOANNE C. BOYLE,)
4 Appellant,)
5 v.)
6 VIOLENT CRIMES COMPENSATION)
7 BOARD, STATE OF ALASKA)
8 Appellee.)
9

RECEIVED

JUL 3 1984

Hughes, Thorsness, Gantz
Powell & Brundin

No. 3AN 84-4982 Civ.

10 AFFIDAVIT OF NOLA K. CAPP

11 State of Alaska)
12 : ss.
13 First Judicial District)

14 Nola K. Capp, being first duly sworn under oath,
15 states as follows:

16 1. I am the Administrator for the Violent
17 Crimes Compensation Board, and have been employed in this
18 position since July, 1976.

19 2. As Administrator for the Board, I am
20 responsible for maintaining the records of the Board; for
21 preparation of the Board's budget, including fiscal notes
22 attached to legislation; for the processing of claims for
23 compensation, including reviewing applications, gathering
24 additional information and presenting claims to the Board.

25 3. During the First Session, Thirteenth
26 Alaska Legislature, I prepared fiscal notes for Senate Bill
27 86 and House Bill 104; however, no fiscal note was prepared
28 for the final version of HCS CSSB 86 (Jud) am H.

29 4. Upon adoption of Senate Bill 86 as Ch. 96,
30 SLA 1983, the legislature included \$287,000 to fund expanded
31 coverage of claims under the Violent Crimes Compensation Act
32 (AS 18.67).

33 5. On or about June 26, 1983, during con-
34 sideration of SB 86 on the House floor, I received a phone

1 call from Poyce Weller, Legislative Assistant to Representa-
2 tive Hugh Malone. Mr. Weller asked whether a specific case,
3 which occurred during 1982, would be eligible for compen-
4 sation. I told Mr. Weller that it was my belief, consistent
5 with previous Board action, that if the class of eligible
6 individuals was expanded, eligibility would be retroactive
7 under AS 18.67.130(a).

8 6. Subsequent to the passage of SB 86, on or
9 about July 26, 1983, I spoke with Assistant Attorney General
10 Patrick W. Conheady, to ascertain the effective date of SB 86
11 and to seek a more definitive opinion on the retroactive
12 application of the new law. Mr. Conheady advised me that the
13 effective date of the new law would be October 23, 1983, and
14 that it appeared to him that coverage would be retroactive to
15 October 23, 1981.

16 7. At the suggestion of Douglas F. Standberg,
17 Chairman of the Board, and Assistant Attorney General
18 Conheady, on July 27, 1983 letters were sent out advising
19 potential claimants of the presumed retroactive application
20 of Ch. 96, SLA 1983.

21 8. At the direction of the Board in order to
22 further clarify certain provisions of the new law, I re-
23 quested on November 29, 1983, a written opinion from
24 Assistant Attorney General Conheady regarding time limi-
25 tations for eligibility under the amended statute.

26 9. On February 7, 1984, I received a written
27 opinion from Assistant Attorney General Conheady which
28 reversed his earlier oral opinion regarding retroactive
29 application of the new law.

30 10. Since receipt of the opinion, the Board
31 has denied all claims for compensation for injuries to the
32 newly created class of victims which occurred prior to
33 October 23, 1983.
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11. Attached to this affidavit are true and exact copies of records maintained by me for the Board, including:

a) copies of fiscal notes prepared on SB 86 and HB 104;

b) copies of letters regarding expanded coverage of the Violent Crimes Compensation Act, as amended;

c) copies of the application submitted by JoAnne Boyle;

d) copies of the minutes of the executive meeting of the Board held on April 7 and 8, 1984 wherein Ms. Boyle's claim was denied;

e) a copy of the notice sent to Ms. Boyle notifying her of the denial of her claim.

Further your affiant sayeth naught.

Not. K. Papp

SUBSCRIBED AND SWORN to before me this 29th day of June, 1984.

DAEA LYNN MILLER
Notary Public in and for Alaska
My Commission Expires: 2-9-88

STATE OF ALASKA
DEPARTMENT OF LAW - PRETRIAL SERVICES
POUCH KT. JUNEAU, ALASKA 99811
PHONE (907) 485-3878

1 IN THE SUPERIOR COURT FOR THE STATE OF ALASKA
2 THIRD JUDICIAL DISTRICT AT ANCHORAGE

3 JOANNE C. BOYLE,)
4 Appellant,)
5 v.)
6 VIOLENT CRIMES COMPENSATION)
7 BOARD, STATE OF ALASKA,)
8 Appellee.)

9 Case No. 3AN-84-4982 Civ.

10 AFFIDAVIT OF NOLA K. CAPP

11 STATE OF ALASKA)
12) ss:
13 FIRST JUDICIAL DISTRICT)

14 Nola K. Capp, being first duly sworn upon her oath,
15 states as follows:

16 1. That there are 37 claims presently pending before
17 the Violent Crimes Compensation Board similarly situated to the
18 claims of JoAnne C. Boyle in this matter which claims are cov-
19 ered by the stipulation as to application and the resultant or-
20 der dated July 12, 1984.

21 2. That in my capacity as administrator for the Vio-
22 lent Crimes Compensation Board, I prepared the fiscal notes for
23 Senate Bill 86 and Sponsor Substitute for House Bill 104, First
24 Session, Thirteenth Alaska Legislature and my calculations in
25 preparing those fiscal notes were based on the assumption that
26 applicants who had been injured under circumstances which would
27 allow coverage under the expanded portions of the act within two
28 years prior to the effective date of the act would be eligible
29 to make application for compensation.

30 3. That consistent with that understanding, upon the
31 passage of Chapter 96 SLA, 1983 I wrote letters to each of the
32 district attorneys for the State of Alaska and advised them that
33 victims of drunk drivers would be eligible to apply for compen-
34 sation "if the incident occurred on or before OCTOBER 23, 1981."
Attached hereto as Exhibit A is a true and correct copy of a

STATE OF ALASKA
DEPARTMENT OF LAW - PRETRIAL SERVICES
POUCH KT. JUNEAU, ALASKA 99811
PHONE (907) 465-3872

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letter dated August 12, 1983 to Victor Krumm, District Attorney, Anchorage, Alaska, which is identical to the letters sent to all district attorneys in the State of Alaska.

4. That consistent with my understanding set forth above, I advised various newspaper reporters that victims of drunk drivers involved in accidents dating back to October 23, 1981, were eligible to apply for compensation under Chapter 96, SLA 1983. Attached hereto as Exhibit B is a true and correct copy of an Anchorage Daily News article published on August 17, 1983 which reflects the information provided by this office to various newspapers through the state of Alaska including the Anchorage Daily Times, the Anchorage Daily News and the Fairbanks Newsminer.

5. That in approximately August of 1983, I appeared on a daytime television interview show in Anchorage, Alaska as a representative of the Violent Crimes Compensation Board and stated that coverage for victims of drunk drivers under Chapter 96, SLA 1983 extended to incidents occurring after October 23, 1981.

6. That in June of 1983, I was contacted by Royce Weller, Administrative Assistant to Representative Hugh Malone and he inquired whether the amendments to the Violent Crime Compensation Board authority proposed by Senate Bill 86 would apply only to incidents occurring after the effective date of the act or whether it would extend back two years from the effective date of the Act. I informed him, based on my understanding of the statute, that coverage would extend back to in///

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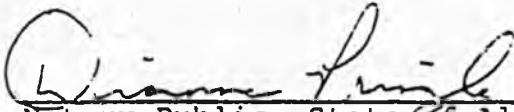
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1 cidents occurring within two years prior to the enactment of the
2 provisions set forth in the bill.

3 DATED this 19th day of November, 1984.

4
5 
6 Nola K. Capp

7 SUBSCRIBED and SWORN to before me this 19th day
8 of November, 1984.

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10 
11 Notary Public, State of Alaska
12 My Commission Expires: 7/28/85

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STATE OF ALASKA
DEPARTMENT OF LAW - PRETRIAL SERVICES
POUCH KT. JUNEAU, ALASKA 99611
PHONE (907) 485-3678

Exhibit A

(907)465-3040

August 12, 1983

Victor Krumm
District Attorney
1031 W. 4th Avenue, #520
Anchorage, AK 99501

Re: Crime victims

Dear Mr. Krumm:

The Violent Crimes Compensation Board statute was recently revised to include two new classes of victims who were previously excluded:

VICTIMS OF DRUNK DRIVERS

VICTIMS RELATED TO OR LIVING WITH OFFENDERS

Any victims in these classes are eligible to apply if the incident occurred on or after OCTOBER 23, 1981, as this law becomes effective on October 23 of this year. After that date, the two-year limit will apply to these victims just as it applies to all others.

We are enclosing a supply of revised application forms. Please discard any of the old goldenrod applications and the old green emergency award applications, along with the old brochures. The new applications are green and the new emergency award applications are blue.

Victim advisement cards are still good, as these restrictions were not listed. New posters and brochures will be available within three months. Meanwhile, please blank out restriction #5 on the poster. We will be distributing these new materials to you as soon as possible.

Please distribute this to your staff, and do not hesitate to call us if you have any questions about the new law.

Sincerely,

(Mrs.) Nola K. Capp
Administrator

Sue Johnson
Administrative Assistant

RECEIVED

AUG 17 1984

Hughes, Thorsness, Gantz
Powell & Brundin

Victims of drunken drivers covered in new law

By TOM KIZZIA
Daily News reporter

A. D. N.
8-17-83

Victims injured by drunken drivers will be eligible for up to \$25,000 from the state under a new law that goes into effect in October.

Under the law, the Violent Crimes Compensation Board can cover costs for victims of drunken driving accidents dating back to Oct 23, 1981. The crime victims law pre-

viously excluded motor vehicle, boat and airplane accident victims from receiving compensation.

The state provided \$465,000 to victims of violent crimes last year, says program administrator Nola Capp, and has alloted \$552,000 for next year.

"It's awfully hard to know how many claims we're going to have," Capp said. "We're

just holding our breath."

In addition to expanding the program to cover drunken drivers, the new version also allows the state to provide payments to relatives of people convicted of crimes.

Capp cited as an example the case of an 11-year-old Kenai boy who was present when his father killed his mother in 1982. The father was convicted and the boy

moved in with his grandparents in Oregon, who living on tight fixed income. Under the new law, the program will be able to provide aid for the boy.

Payments from the violent crimes compensation program are limited to \$25,000 to an individual and \$40,000 for a family. Applications can be made up to two years after the crime took place, Capp said.

EXFEDITE B

§ 18.67.080

ALASKA STATUTES SUPPLEMENT

§ 18.67.080

domestic violence or sexual assault and to individuals in personal or professional transition, excluding correctional half-way houses, outpatient mental health programs, and drug or alcohol rehabilitation programs;

(3) "domestic violence" means a crime specified in AS 11.41 when the victim is a spouse or a former spouse of the defendant, or a member of the social unit comprised of those living together in the same dwelling as the defendant;

(4) "domestic violence program" means a program that provides services to the victims of domestic violence, their families, or perpetrators of domestic violence;

(5) "local community entity" means a city or borough or other political subdivision of the state, a nonprofit organization, or a combination of these;

(6) "sexual assault" means a crime specified in AS 11.41.410 — 11.41.450;

(7) "sexual assault program" means a program that provides services to the victims of sexual assault, their families, or perpetrators of sexual assault. (§ 1 ch 101 SLA 1981; am § 9 ch 78 SLA 1983)

Effect of amendments. — The 1983 amendment deleted "or AS 11.51.130(a)(4)" from the end of paragraph (6).

Chapter 67. Violent Crimes Compensation Board.

Section	Section
80. Awarding compensation	130. Limitations on awarding compensation
101. Incidents and offenses to which AS 18.67.010 — 18.67.180 apply	162. Crime victim compensation fund
110. Nature of the compensation	

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

(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;

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

(4) to the provider of a service under AS 18.67.110(b).

(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.

Statute Reference

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

(d) An order may be made under this section whether or not a person is prosecuted or convicted of an offense arising out of the act which caused the injury or death involved in the application. Upon application made by an appropriate prosecuting authority, the board may suspend proceedings under this chapter for a period it considers appropriate on the ground that a prosecution for an offense arising out of the act which caused the injury or death involved in the application has been commenced or is imminent. (§ 1 ch 203 SLA 1972; am § 5 ch 132 SLA 1975; am § 3 ch 35 SLA 1979; am § 1 ch 96 SLA 1983)

Effect of amendments. — The 1983 amendment added paragraph (a)(4).

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

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

(2) the commission or attempt on the part of one other than the applicant to commit any of the following offenses: murder in any degree, manslaughter, criminally negligent homicide, assault in the first or second degree, kidnapping, sexual assault in any degree, sexual abuse of a minor, robbery in any degree, contributing to the delinquency of a minor under AS 11.51.130(a)(4), threats to do bodily harm, or driving while intoxicated or another crime resulting from the operation of a motor vehicle, boat, or airplane when the offender is intoxicated. (§ 2 ch 35 SLA 1979; am § 2 ch 96 SLA 1983)

Effect of amendments. — The 1983 amendment substituted the language "driving while intoxicated" for "or threats to do bodily harm" at the end of paragraph beginning "threats to do bodily harm, or (2)".

Sec. 18.67.110. Nature of the compensation. (a) 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.

(b) The board may order that compensation under (a) of this section for a service provided as a result of the personal injury or death of the victim be paid directly to the provider of the service. (§ 1 ch 203 SLA 1972; am § 7 ch 132 SLA 1975; am § 3 ch 96 SLA 1983)

Effect of amendments. — The 1983 amendment added subsection (b).

Sec. 18.67.130. Limitations on awarding compensation. (a) No order for the payment of compensation may be made under AS 18.67.080 unless

~~(1) the application has been made within two years after the date of the personal injury or death;~~

(2) the personal injury or death was the result of an incident or offense listed in AS 18.67.101 that 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; and

(3) in the discretion of the board, the applicant has cooperated with law enforcement and prosecution officials to further prosecution of the offender if appropriate and to avoid further injury by the offender to the applicant and injury to persons in the care of the applicant who are exposed to possible injury by the offender.

(b) No compensation may be awarded if the victim

(1) *[Repealed, § 8 ch 96 SLA 1983.]*

(2) *[Repealed, § 8 ch 96 SLA 1983.]*

(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 by the offender while intoxicated or as a weapon in 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 that 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.

(d) Orders for payment of compensation under this chapter may be made only as to injuries or death resulting from incidents or offenses occurring on and after July 1, 1971. (§ 1 ch 203 SLA 1972; am §§ 9, 10 ch 132 SLA 1975; am § 4 ch 35 SLA 1979; am §§ 4 — 6, 8 ch 96 SLA 1983)

§ 18.67.162

HEALTH AND SAFETY

§ 18.80.050

Effect of amendments. — The 1983 amendment, in subsection (a), added the paragraph (1) and (2) designations, added paragraph (3), and made minor word changes. In subsection (b), the amendment

repealed paragraphs (1) and (2) and inserted "by the offender while intoxicated or" in paragraph (4). In subsection (c), the amendment deleted the former last sentence and made a minor word change.

Sec. 18.67.162. Crime victim compensation fund. There is created a crime victim compensation fund which shall be administered by the Violent Crimes Compensation Board. The fund consists of money appropriated to it by the legislature. The fund shall be administered in accordance with the provisions of this chapter. Money distributed from the fund shall be in addition to other sources of compensation provided in this chapter. (§ 7 ch 96 SLA 1983)

Set 18.67.162.

Chapter 80. State Commission for Human Rights.

Article

1. Creation and Organization of Commission (§ 18.80.060)

NOTES TO DECISIONS

Alaska's civil rights statute should be broadly construed to further the goal of eradication of discrimination. Alaska

USA Fed. Credit Union v. Fridriksson, Sup. Ct. Op. No. 2478 (File No. 5230), 642 P.2d 804 (1982).

Article 1. Creation and Organization of Commission.

Section

60. Powers and duties of the commission

Sec. 18.80.010. Creation.

NOTES TO DECISIONS

Cited in *McDaniel v. Cory*, Sup. Ct. Op. No. 2383 (File Nos. 4793, 4794), 631 P.2d 82 (1981).

Sec. 18.80.050. Regulations.

NOTES TO DECISIONS

Quoted in *Borkowski v. Snowden*, Sup. Ct. Op. No. 2688 (File No. 6541), P.2d (1983).

Sec. 18.80.060. Powers and duties of the commission. (a) In addition to the other powers and duties prescribed by this chapter the commission shall

- (1) appoint an executive director approved by the governor;
- (2) hire other administrative staff as may be necessary to the commission's function;
- (3) exercise general supervision and direct the activities of the executive director and other administrative staff;
- (4) accept complaints under AS 18.80.100;
- (5) study the problems of discrimination in all or specific fields of human relationships, and foster through community effort or goodwill, cooperation and conciliation among the groups and elements of the population of the state, and publish results of investigations and research as in its judgment will tend to eliminate discrimination because of race, religion, color, national ancestry, physical handicap, age, sex, marital status, changes in marital status, pregnancy or parenthood;
- (6) make an overall assessment, at least once every three years, of the progress made toward equal employment opportunity by every department of state government; results of the assessment shall be included in the annual report made under AS 18.80.150.

(b) In addition to other powers and duties prescribed by this chapter, the commission may

- (1) delegate to the executive director all powers and duties given it by this chapter except the duties and powers given it by AS 18.80.120 and 18.80.130;
- (2) call upon the departments and agencies of the state, with the approval of the governor, for cooperation and assistance in carrying out this chapter;
- (3) hold hearings under AS 18.80.120.

(c) A commissioner or an employee authorized by the commission may administer oaths, certify to all official acts, and issue subpoenas, subpoenas duces tecum and other process to compel the attendance of witnesses and the production of testimony, records, papers, accounts, and documents in any inquiry, investigation, hearing, or proceeding before the commission in the state. The commission, a commissioner, or an employee authorized by the commission may petition a court of this state to enforce its subpoenas, subpoenas duces tecum, and other process. (§ 1 ch 15 SLA 1963; am § 1 ch 117 SLA 1965; am § 1 ch 119 SLA 1969; am §§ 1 — 3 ch 104 SLA 1975; am § 2 ch 75 SLA 1978; am § 49 ch 59 SLA 1982)

Effect of amendments. — The 1982 amendment rewrote this section.

ALASKA STATE SENATE

PATRICK RODEY
SENATOR

SB 211
POUCH V
JUNEAU, ALASKA 99811
(907) 465-3793
(907) 465-3754

July 10, 1984

Nola Capp
Administrator
Violent Crimes Compensation Bd
POUCH F
Juneau, Alaska 99811

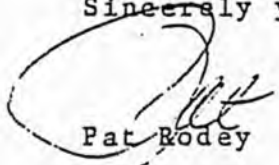
Dear Ms. Capp:

I understand that due to a reversal of opinion by Patrick Conheady several victims of DWI whose applications had been accepted in good faith by the Board have been denied compensation.

The case testing Conheady's opinion, Joanne Boyle v VCCB & St of Alaska, has just been given a briefing schedule. At the earliest, an opinion may be expected in December. If the opinion goes against the victims, we may want to consider corrective legislation.

My question is how many people were effected by this reversal? What is the amount of their claims? How many more claims can we expect? Essentially, what would be the cost if the state allowed claims back to October 23, 1981?

Sincerely yours,


Pat Rodey

Sponsor's backup & stmts

STATE OF ALASKA

BILL SHEFFIELD, GOVERNOR

DEPARTMENT OF PUBLIC SAFETY

POUCH N
JUNEAU, ALASKA 99811

VIOLENT CRIMES COMPENSATION BOARD

907-465-3040

August 7th, 1984

Patrick Rodey, Senator
Alaska State Senate
Pouch V
Juneau, Alaska 99811

Dear Senator Rodey:

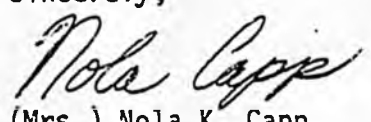
In reply to your letter requesting information on the cost to the State if the opinion on the case of Joanne Boyle vs. V.C.C.B. and the State of Alaska goes against the victims, the following is the best estimate we are able to project.

In FY 84, we received 37 claims which would be effected by this reversal. Historically, two-thirds of the claims received are awarded. The average amount per claim is \$10,000.00 (other states have informed us that victims of drunk drivers cost approximately twice the amount of other types of victims, due to the multiple injuries incurred) and if the 24 claims were awarded, the cost would be approximately \$240,000.00.

It is impossible to predict with a great deal of accuracy as we do not have any count on the number of D.W.I. incidents since October of 1981. However, \$240,000.00 to \$250,000.00 per year should be sufficient.

Thank you for your interest in our program.

Sincerely,



(Mrs.) Nola K. Capp,
Administrator
Violent Crimes Compensation
Board

NKC/tr

02012
OCT 7 - OCT 23
OCT 23 - OCT 23

02012 - 27

MEMORANDUM

State of Alaska

TO: Elizabeth Hickerson
Senate Advisory Council

DATE: March 1st, 1984

FILE NO:

TELEPHONE NO:

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

SUBJECT: Two Year Limitation
On Amended Statute

This is in reply to your verbal request as to the sequence of events leading up to the verbal opinion from the Attorney General's Office regarding the two year limitation.

On Saturday, June 25th, 1983, Royce Weller from Representative Malone's Office called me in Anchorage (I was there for a Board Meeting). I attempted to call him back that night, but no response, and he called me early Sunday morning, June 26th. He asked if a specific case would be eligible for compensation if Senate Bill 86 passed. The case in question happened in 1982, and I told Mr. Weller, according to the Statute, a claimant had two years in which to apply, so that case would be eligible.

CSSB 86 was signed by the Governor on July 25th, 1983. I called Pat Conheady in the Attorney General's Office to find out when the law would become effective. He said this would happen ninety days after the Governor signed it, which would be October 23rd, 1983, and since the claimant had two years in which to apply, any incident occurring after October 23rd, 1981, would be eligible.

Because of this verbal opinion, I informed Law Enforcement agencies, District Attorney Offices and claimants they would be eligible if the incident occurred after October 23rd, 1981.

At the Board Meeting in November, the Board requested I get this opinion in writing. As you know, the written opinion states nothing prior to October 23rd, 1983, will be eligible.

NKC/tar

Alaska State Legislature

Advisory Council Members
Senator Kerttula, Chairman
Senator Bennett
Senator Vic Fischer
Senator Fahrenkamp



Pouch V
State Capital
Juneau, Alaska 99811
Phone: (907) 465-3114

SENATE ADVISORY COUNCIL

TO: SENATOR JALMAR KERTTULA
FROM: ELIZABETH J. HICKERSON
RE: RETROACTIVE APPLICATION OF AMENDMENTS TO VIOLENT CRIME COMPENSATION ACT
DATE: FEBRUARY 29, 1984

Please note the following correction to my memo on this matter early transmitted to your office.

Mr. Patrick W. Conheady, Assistant Attorney General, verbally assured Nola Capp that the bill would be retroactively applied on the day the Governor signed it, not on the day that the bill was voted on by the House. On the day the bill was voted on, Royce Weller, a legislative aide to Representative Malone, called Ms. Capp and asked if victims would have two years in which to apply for compensation. She replied in the affirmative. Thereafter, the amendment which would make the bill retroactive was withdrawn.

I have requested Nola Capp to write me a letter detailing all conversations that she had with Rep. Malone, his staff and Mr. Conheady.

Alaska State Legislature

Advisory Council Members
Senator Kerttula, Chairman
Senator Bennett
Senator Vic Fischer
Senator Fahrenkamp



Pouch V
State Capital
Juneau, Alaska 99811
Phone: (907) 465-3114

SENATE ADVISORY COUNCIL

MEMORANDUM

TO: SENATOR JALMAR KERTTULA

FROM: ELIZABETH J. HICKERSON *EJH*

RE: RETROACTIVE APPLICATION OF AMENDMENTS TO VIOLENT CRIME COMPENSATION ACT

DATE: FEBRUARY 29, 1984

Last session you introduced SB 86 which amended the Violent Crimes Compensation Act by enlarging the class of injuries which are compensable under the Act to include offenses wherein the victim is related to the offender. SB 86 was amended by the House of Representatives to also include victims of drunk drivers. The bill became law (Ch. 96, SLA 1983) with an effective date of October 23, 1983.

I was informed by Nola Capp, Director of the Violent Crimes Compensation Board, that the Attorney General's Office had issued an opinion on February 7, 1984. The opinion stated that the enacted amendments could not be given retroactive application and therefore the Board should not award compensation for any injury wherein the offense occurred before October 23, 1983, if the applicant was a victim that was related to the offender or if the injury was the result of an offense involving a drunk driver. Attached is a list of applications that will be ineligible because of this opinion. I was also contacted by Sara Hannan of your staff and requested to respond to this Attorney General's opinion, as your office had had inquiries on this matter.

A copy of the AG's opinion is enclosed. I contacted Keith Levy, Legal Services, and requested that he review the opinion. Mr. Levy agreed with the opinion and its conclusion that the amendments could not be given retroactive application. A copy of Mr. Levy's memorandum is enclosed.

Both the Attorney General and Mr. Levy based their conclusions on the following facts.

1. No statute is retrospective unless expressly declared therein. (AS 01.10.090)

2. Chapter 96, SLA 1983 contains no express provision making it retrospective.

3. An amendment to make SB 86 retrospective was introduced in the House and was subsequently withdrawn, which indicated an intent to make the revisions adopted prospective only.

*Conheady
Capp
Malone*

What Mr. Patrick W. Conheady, Assistant Attorney General, did not include in his opinion is the fact that on the day SB 86 was being considered by the House he was contacted by Nola Capp and verbally assured her that the bill would allow consideration of claims arising up to two years prior to the effective date. This information was conveyed to Representative Malone and therefore the retrospective amendment was withdrawn.

This action by the House seemed to be reasonable given the fact that AS 18.67.130 provides:

No order for the payment of compensation may be made under AS 18.67.080 unless

(1) the application has been made within two years after the date of the personal injury or death.

Therefore, the legislature assumed that if the effective date of SB 86 would be sometime in 1983 (October 23, 1983 actual date) those persons injured within the preceding two years would be eligible to apply for compensation. Unfortunately, Mr. Conheady changed his opinion.

According to Mr. Levy, if the legislature intended Chapter 96, SLA 1983 to be retrospectively applied this could be accomplished by amending the law. I requested Mr. Levy to draft legislation which would achieve this. You should be receiving it tomorrow. I have not indicated that you support a change in the law, but rather have requested this draft for your review.

Please contact my office when you have made a decision on this matter.

STATE OF ALASKA
THE LEGISLATURE

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

LEGISLATIVE AFFAIRS AGENCY

M E M O R A N D U M

February 24, 1984

SUBJECT: Retroactive effect of amendments
to Violent Crimes Compensation Act
(Chapter 96, SLA 1983)

TO: Elizabeth Hickerson *KBL*
Senate Advisory Council

FROM: Keith B. Levy
Legislative Counsel

You have requested an opinion on the impact of a memorandum by the Attorney General dated February 7, 1984, relating to the retrospective effect of certain amendments to the Violent Crimes Compensation Act made by ch. 96, SLA 1983. I have reviewed the Attorney General's opinion and agree with his conclusions. Specifically, there is a general rule that legislation is not retrospective unless the legislature exhibits a clear intent that it operate retrospectively. Since ch. 96, SLA 1983 does not show such intent, it is prospective only.

AS 01.10.090 specifically provides, "no statute is retrospective unless expressly declared therein." Citing this section, the Supreme Court of Alaska has consistently stated that statutes are not to be applied retrospectively unless the bill contains a specific clause indicating retroactive application, or some other manifest intent of retrospective effect by the legislature. City and Borough of Juneau v. Commercial Union Insurance Co., 598 P.2d 957 (Alaska 1979); Matanuska Maid v. State, 620 P.2d 182 (Alaska 1980); Stephens v. Rogers Construction, 411 P.2d 205 (Alaska 1966).

Chapter 96, SLA 1983 contains no express provision making it retrospective. Moreover, as the Attorney General points out, an amendment to make it retrospective was introduced, and subsequently withdrawn. This action would actually indicate a contrary intent, that the amendments to the Violent Crimes Compensation Act be prospective only.

Elizabeth Hickerson
Page 2
February 24, 1984

Therefore, I agree with the Attorney General's conclusion that ch. 96, SLA 1983 does not have retrospective effect.

If the legislature wishes to cure this problem by making the operation of the amendments to the Violent Crimes Compensation Act retrospective, this could be done by amending ch. 96, SLA 1983 to add a specific clause making the Act retrospective. A new bill would be required, and as you are aware, it would have to be introduced by a committee since the personal bill deadline has already passed. In this way the legislature could make ch. 98, SLA 1983 retrospective to any specific date it chooses.

KBL:ojb
J4/003

MEMORANDUM

State of Alaska

TO: Douglas Strandberg, Chairman
Violent Crimes Compensation
Board

DATE: February 7, 1984

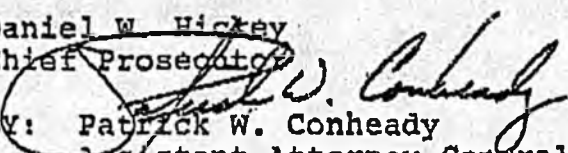
FILE NO: 36629384

TELEPHONE NO: 465-3678

FROM: Norman C. Gorsuch
Attorney General

SUBJECT: Retroactive application
of amendments to violent
crime compensation act

Daniel W. Hickey
Chief Prosecutor

BY:  Patrick W. Conheady
Assistant Attorney General
Chief, Pretrial Services

You have requested our opinion on the retroactive application of recently enacted amendments to the Violent Crimes Compensation Act, AS 18.67. These amendments, contained in Ch. 96, SLA 1983, enlarge the class of injuries which are compensable under the Act to include offenses to innocent victims arising out of driving while under the influence accidents, and offenses wherein the victim is related to the offender. You further request our opinion as to the extent of retroactivity, if found, that should be accorded compensation under the Act given the Limitations of Actions section contained in the Act, AS 18.67.130 (a)(1). I have reviewed the legislative history of Ch. 96, SLA 1983, including committee action, letters of intent, debate in both Houses of the Legislature and floor action. Based on this review and research into other areas of the law, it is my considered opinion that Ch. 96, SLA 1983 cannot be given retroactive application; rather, in reviewing applications for compensation to the Board for injuries within the amended class, the Board should not award compensation for any injury wherein the offense occurred before the effective date of Ch. 96, SLA 1983, October 23, 1983.

Confusion as to the applicable time when the offense occurred arises under AS 18.67.130(a)(1), which provides:

"No order for the payment of compensation may be made under AS 18.67.080 unless

(1) the application has been made within two years after the date of the personal injury or death..."

This provision is a limitation on the actionable claim. It is the time period during which a claim must be brought, or it is foreclosed. By broadening the class of

actionable claims, the Legislature may have intended that any newly actionable claim which occurred two years prior to the effective date of the amendments, and which therefore could be claimed under AS 18.67.130(a)(1), should be compensable. In fact, that intent was conveyed to the Board's Administrator, Ms. Nola Capp, by Royce Weller, a legislative aide to Representative Malone during the course of floor action in the House of Representatives on June 25, 1983. However, absent a manifest intention of the Legislature to give these amendments this intent, retroactive application can not attach.

In construing these provisions, it is necessary to look to the General Rules of Statutory Construction. AS 01.10.020 provides:

"The provisions of AS 01.10.040-01.10.090 shall be observed in the construction of the laws of the state unless the construction would be inconsistent with the manifest intent of the legislature."

AS 01.10.090 further provides:

"No statute is retrospective unless expressly declared therein."

Construed together, these sections preclude retroactive application absent (1) a specific provision on retroactivity contained in Ch. 96, SLA 1983, or (2) some other manifest intent on the part of the Legislature. As has been recognized by our Supreme Court,

"Statutes are not to be applied retrospectively unless the language used by the Legislature indicates the contrary."

City and Borough of Juneau v. Commercial Union Insurance Co., 598 P.2d 957, 958-959 (Alaska 1979) (emphasis added). This view has been consistently recognized by the Supreme Court. See Matanuska Maid, Inc. v. State, 620 P.2d 182 (Alaska 1980); Stephens v. Rogers Construction Co. 411 P.2d 205 (Alaska 1966).

In spite of the communication between Ms. Capp and Mr. Weller of Representative Malone's staff, the manifest intent necessary to overcome AS 01.10.090 is not present. In fact, the legislative history indicates a contrary intent.

February 7, 1984

The legislation containing these amendments (CSSB 86) was brought up for second reading in the House on June 25, 1983. At that time, the House adopted a judiciary committee substitute. This substitute was then amended to include the victims of drunk drivers. 1983 House Journal, 1990. A second amendment which would have given retroactivity to portions of the Act was then passed. 1983 House Journal, 1991. HCSSB 86am then passed the House.

Later that same legislative day, HCSSB 86am was brought back before the House on reconsideration. 1983 House Journal, 2006. The House returned the bill to second reading, the retroactive application amendment was withdrawn, and the legislation passed in its final form. This action may have resulted from the mistaken belief that AS 18.67.130(a)(1) allowed for consideration of claims arising up to two years prior to the effective date; however, the official legislative history clearly manifests a contrary intent--the Legislature clearly considered retroactive application and rejected it. 2

In that claims brought under the newly expanded class of offenses must be for an offense which occurred after October 22, 1983, it is not necessary for me to address your other questions. If you have need for further clarification on this issue, do not hesitate to contact me.

VIOLENT CRIMES
COMPENSATION BOARD

FEB 9 1984

VIOLENT CRIMES COMPENSATION BOARD - pending applications

Female, age 50, CLAIM # 84-079.....DWI. Involved in an accident with a drunk driver. Incident occurred on 10/10/83, received in our office on 12/27/83. Expenses and lost wages, represented by Janet Tempel in Soldotna. Claim is ready but has not been mailed to Board, holding for decision on statute. \$3,768.95, medical & loss of earnings.

Male, age 41, CLAIM # 84-081.....DWI. Hit head-on by drunk driver. Incident occurred on 12/31/81, received in our office on 12/29/83. Asking expenses and loss of earning power. Case is pending Dr. and DA information. Requesting \$16,509.26; loss of earnings.

Male, age 40, CLAIM # 84-083.....DWI. Riding with an intoxicated driver, suffered injuries to shoulder, head and right leg. Incident occurred on 5/8/83, received in our office on 1/3/84. Asking expenses and loss of earnings, \$503.00.

Female, age 33, CLAIM # 84-084... SHOOTING. Shot by husband in chest. Incident occurred on 5/19/83, received in our office on 1/3/84. Extensive medical. Asking expenses and loss of earnings, \$24,520.65.

Male, age 35, CLAIM # 84-091.....DWI. Hit head-on by drunk driver, extensive injuries. Occurred on 1/17/82, received in our office on 1/13/84. Asking expenses and loss of earnings; \$15,000.00

Male, age 43, CLAIM # 84-093...SHOOTING. Shot by brother. Incident occurred on 7/14/84, received in our office on 1/20/84. Asking loss of earnings, \$25,000.00 (retraining).

Female, age 41, CLAIM # 84-099. HOMICIDE. Husband shot and killed by claimant's son. Incident occurred on 5/23/83, received in our office on 1/27/84. Asking loss of earnings and expenses, \$5,000.00.

Female, age 62, CLAIM # 84-013.. HOMICIDE. Claimant's son was shot and killed by her other son. Date of incident is 12/25/81, received in our office on 8/29/83. Requesting pecuniary, \$25,000.00.

Male, age 48, CLAIM # 84-110..... DWI. Claimant was hit by drunk driver, claimant's passenger killed and claimant suffered dental/medical. Incident occurred on 10/15/82, received in our office on 1/31/84. Asking expenses and loss of earning power, \$25,000.00.

Female, CLAIM # 84-116 &
Male, age 12, CLAIM # 84-117,.....HOMICIDE. Claimants are Mother of and son of victim, who was shot and killed by boyfriend she and son lived with. Incident occurred on 5/13/83, received in our office on 2/14/84. Asking maximum, \$25,000.00.

Female, age 43, CLAIM # 84-015.....DWI Claim, incident occurred on 4/17/82, received her claim on 9/7/83. Was injured and not able to work for a period of time, her claim was sent to Board for review on 1/12/84. Requesting \$13,965.66, loss of earnings

Female, age 36, CLAIM # 84-028.....DWI Claim, incident occurred on 3/4/83, received her claim on 9/23/83. Was injured very badly and is asking maximum, represented by Clifford Smith, Ketchikan. Requesting maximum, \$25,000.00.

Female, age 37, CLAIM # 84-041.....INCEST claim, incident(s) occurred 1979 to 7/83.....received in our office on 10/11/83. Victim is child of claimant, alleged offender is father of victim. Requesting \$3,000.00, loss of earnings.

Male, age 25, CLAIM # 84-046.....DWI claim, incident occurred on 10/30/81, claim received on 10/17/83. Injuries, loss of work. Claim sent to Board for review on 2/7/84. Requesting maximum, \$25,000.00

Male, age 49, wife 45, CLAIM # 84-049.....DWI Claim, wife killed in a collision, driver drunk. Incident occurred on 10/14/82, claim received in our office on 10/24/83. Asking funeral, and expenses, and loss of income of wife. Sent to Board for review on 12/27/83, asking \$25,000.00

Female, age 36, Claim # 84-054.....DWI Claim, husband killed in car collision, driver of their car was drunk. Victim was severely injured. Represented by Robert L. Manley, Anchorage. Date of incident is 10/31/81, received in our office 10/27/83. Asking \$25,000.00. Sent to Board for their review on 1/12/84.

Female, age 39, Claim # 84-055.....Living with offender. Victim was shot in the thigh by her drunk room-mate. Incident occurred on 7/31/83, we received it 10/31/83. Case is pending arrival of more information. Requesting \$25,000.00; medical & loss of earnings.

Male, age 25, CLAIM # 84-068.....DWI. Claimant was drunk and in truck with alleged drunk driver. Incident occurred on 4/13/83, we received it in our office on 12/7/83. Case is pending contact with claimant. Requesting \$8,4000.00; loss of earnings.

Female, age 24, CLAIM # 84-071....Homicide. Had legal custody of murdered son, age 5, ex-husband had son at time of death. Boy was murdered by man living with ex-husband. Incident occurred on 10/13/83, received in our office on 12/12/83. Pending more information from claimant. Claimant has 7 year old boy in need of counseling. Requesting \$5,536.50, funeral expenses & counseling.