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HOUSE COMMITTEE REPORT

(11)

Date Referred: January 20, 1989

FURTHER REFERRALS:

Date of Committee Action: 2/1/89

The FINANCE Committee recommends that:

HOUSE BILL NO. 57 [COMPENSATION FOR VIOLENT CRIME VICTIMS]
"An Act expanding eligibility for violent crimes compensation."

[] be replaced with _____ [] the same title
[] a new title

[] have attached amendment(s)

- do pass
[] do not pass
[] no recommendation
[] individual recommendations
[] additional referral to the _____ Committee

ADOPTS: _____ letter of intent

ATTACHES NEW FISCAL NOTE(S):

- [] fiscal impact
 zero fiscal note
[] zero with analysis

APPROVES PREVIOUS:

- [] fiscal note(s) published:

[] zero fiscal notes(s) published:

SIGNING DO PASS:

SIGNING OTHER THAN DO PASS:
(Do Not Pass, No Recommendation, Amend)

Ronald J. Larson LARSON
Chuck Swackhammer SWACKHAMMER
John Brown BROWN
Al Koponen KOPONEN
John Ulmer ULMER
Sam Barnes BARNES
Dick Shultz SHULTZ
Phil Phillips PHILLIPS
Steve Rieber RIEBER
F. Kay Wallis WALLIS

Ronald J. Larson
Chairman's signature

FISCAL NOTE

REQUEST:

Revision Date: 2/1/89
Title: Expanding eligibility for
Violent Crimes Compensation
Sponsor: _____
Requestor: _____

Agency Affected: Public Safety
BRU: Violent Crimes Compensation
Components: _____

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 89	FY 90	FY 91	FY 92	FY 93	FY 94
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	-0-	-0-	-0-	-0-	-0-	-0-

CAPITAL						
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REVENUE						
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FUNDING: (Thousands of Dollars)

GENERAL FUND						
FEDERAL FUNDS						
OTHER						
TOTAL	-0-	-0-	-0-	-0-	-0-	-0-

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS : (Attach a separate page if necessary)

Prepared by: House Finance Committee Phone: 465-3727
Division: Co-Chairman Ron Larson *Ron Larson* Date: 2/1/89

Approved by Commissioner: _____ Date: _____
Agency: _____

Distribution (by preparer):
Legislative Finance
Legislative Sponsor
Requestor
Office of Management and Budget
Impacted Agency(ies)

Adopted

1 IN THE HOUSE

BY THE RULES COMMITTEE BY
REQUEST OF THE GOVERNOR

2

HOUSE BILL NO. 57

3

IN THE LEGISLATURE OF THE STATE OF ALASKA

4

SIXTEENTH LEGISLATURE - FIRST SESSION

5

A BILL

6 For an Act entitled: "An Act expanding eligibility for violent crimes
7 compensation."

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

9 * Section 1. AS 18.67.101 is amended to read:

10 Sec. 18.67.101. INCIDENTS AND OFFENSES TO WHICH AS 18.67.010 --
11 18.67.180 APPLY. The board may order the payment of compensation in
12 accordance with the provisions of this chapter for personal injury or
13 death that resulted from

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

18 (2) the commission or attempt on the part of one other than
19 the applicant to commit any of the following offenses: murder in any
20 degree, manslaughter, criminally negligent homicide, assault in any
21 [THE FIRST OR SECOND] degree, kidnapping, sexual assault in any de-
22 gree, sexual abuse of a minor, robbery in any degree, threats to do
23 bodily harm, or driving while intoxicated or another crime resulting
24 from the operation of a motor vehicle, boat, or airplane when the
25 offender is intoxicated.

BILL NO: HB 57 (JUD)

DATE: 01/13/89

TITLE: An Act expanding eligibility
for violent crimes compensation

CONTACT: Nola K. Capp
465-3040

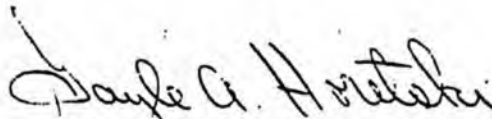
DEPARTMENT OF
PUBLIC SAFETY

The Violent Crimes Compensation Board (VCCB) awards compensation for medical expenses and other documented financial losses suffered by innocent victims of certain crimes. Present AS 18.67.101 lists the types of crimes for which victims may be eligible for compensation, and specifically refers to "Assault in the First or Second Degree".

The "degree" of assault charged in a specific incident is often dependent on a complex legal analysis, and is not determined solely by the extent of the injuries to the victim. This bill would allow the Violent Crimes Compensation Board to award compensation in any assault case, regardless of whether it is third degree (class "C" felony assaults involving dangerous instruments), fourth degree (misdemeanor assaults, including most domestic violence cases), or the most serious first and second degree assaults.

In reauthorizing the Federal Victims of Crime Act (VOCA) in 1988, Congress added new eligibility conditions. One of the new requirements is that compensation programs must include victims of domestic violence (fourth degree assault). Programs have until October 1, 1990 to comply with this requirement to continue to be eligible for the Federal funds. Last year the VCCB received \$246.0 in Federal funds, which it was able to award as compensation to victims.

The Department of Public Safety strongly supports passage of this legislation.



for Arthur English
Commissioner

Arch. Times Dec 12 1988

Blotter

Pregnant woman raped

A man beat and raped a pregnant woman as she walked toward the Chester Creek bike path this morning, Anchorage police reported.

The 22-year-old woman, who was eight months pregnant, was crossing a bridge behind the Sullivan Arena at 7:45 a.m. when a man jumped out of the bushes and kicked her several times in the stomach and punched her a few times in the mouth, police reported.

The man then pulled out a knife, held it to her throat and raped her.

He fled on foot north toward the arena.

The woman described the assailant as a black man in his early 40s, 5-feet, 10-inches tall, with a bald head. He was missing four top front teeth, and was wearing a red baseball cap, brown ski jacket, maroon pants and work boots.

The woman was taken to Providence Hospital, where she was listed in stable condition at 10 a.m.

Dog sniffs out pot

Alaska State Troopers in Fairbanks seized five pounds of marijuana at the Fairbanks International Airport Friday after a specially-trained dog sniffed out two packages addressed to a Barrow resident.

The shipper had attempted to cover up the pungent odor of the leafy drug by mixing the narcotic with other strong-smelling items.

Arrests of the person who mailed the package and the would-be recipient are pending, troopers reported.

ALASKA NETWORK
ON
DOMESTIC VIOLENCE
AND
SEXUAL ASSAULT

130 Seward, No. 301 • Juneau, Alaska 99801 • (907) 586-3650

Abused Women's Aid in Crisis (AWAIC);
Advocates for Victims of Violence (AVV);
Aiding Women in Abuse and Rape Emergencies (AWARE);
Alaska Women's Resource Center (AWRC); Arctic Women in Crisis (AWIC);
Bering Sea Women's Group (BSWG); Emmonak Women's Shelter;
Kodiak Women's Resource & Crisis Center (KWRCC);
Manilaq Regional Women's Crisis Program; MEN, Inc.;
Safe & Fear-Free Environment (SAFE); Sitkas Against Family Violence (SAFV);
Southwestern Alaska Council for the
Prevention of Child Sexual Assault (SWACPCSA);
South Peninsula Women's Services (SPWS);
Standing Together Against Rape (STAR); Tundra Women's Coalition (TWC);
Valley Women's Resource Center (VWRC);
Women in Crisis Counseling & Assistance (WICCA);
Women in Safe Homes (WISH); Women's Resource & Crisis Center (WRCC)

HB57
VIOLENT CRIMES COMPENSATION

MEMBERS OF THE COMMITTEE, FOR THE RECORD MY NAME IS CINDY SMITH. I AM THE COORDINATOR OF THE ALASKA NETWORK ON DOMESTIC VIOLENCE AND SEXUAL ASSAULT. THE NETWORK IS A MEMBERSHIP ORGANIZATION COMPOSED OF 21 PROGRAMS WHICH PROVIDE SERVICES TO VICTIMS AND THEIR FAMILIES.

THE NETWORK SUPPORTS HOUSE BILL 57. THIRD AND FOURTH DEGREE ASSAULT ARE THE MOST COMMON CHARGES MADE IN DOMESTIC VIOLENCE CASES. THIRD DEGREE ASSAULT IS A CLASS C FELONY, AND WHILE FOURTH DEGREE ASSAULT IS CHARGED AS A MISDEMEANOR, IT OFTEN INVOLVES PHYSICAL INJURY TO THE VICTIM. IN A STUDY RECENTLY PREPARED BY THE ABUSE PREVENTION PROGRAM IN ANCHORAGE, 82% OF CHARGES WERE COUNTS OF FOURTH DEGREE ASSAULT -- 30% OF THE VICTIMS WERE TRANSPORTED BY THE POLICE DIRECTLY TO MEDICAL FACILITIES. ANOTHER 18% WERE TRANSPORTED TO SHELTER. (THE STUDY INVOLVED OVER 5000 POLICE REPORTS, FROM 1986-1988).

VICTIMS OF THESE ASSAULTS INCUR MEDICAL COSTS TO ATTEND TO INJURIES, OFTEN LOSE TIME FROM WORK AND INCUR OTHER EXPENSES RELATED TO THE ASSAULT WHICH ARE CURRENTLY NOT COVERED BY VIOLENT CRIMES COMPENSATION. THE NETWORK IS STRONGLY SUPPORTIVE OF THIS EFFORT TO ENSURE THAT THEY BECOME ELIGIBLE TO RECEIVE THE SAME COMPENSATION AS OTHER VICTIMS OF VIOLENT CRIME.

STEVE COWPER
GOVERNOR



STATE OF ALASKA
OFFICE OF THE GOVERNOR
JUNEAU

cc
9HB57

January 9, 1989

The Honorable Sam Cotten
Speaker of the House
Alaska State Legislature
P.O. Box V
Juneau, AK 99811

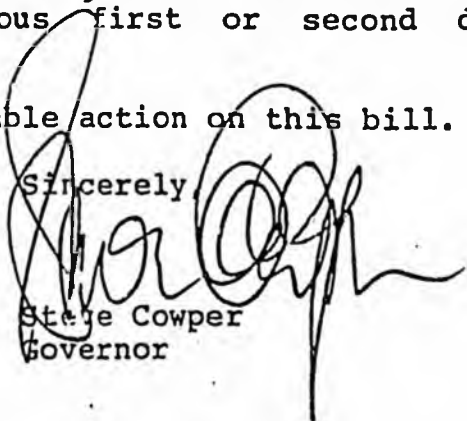
Dear Representative Cotten:

Under the authority of art. III, sec. 18, of the Alaska Constitution, I am transmitting a bill expanding eligibility for violent crimes compensation.

The current law governing eligibility for violent crimes compensation is based in large part on the specific type of crime committed. By specifically referring to "assault in the first or second degree," AS 18.67.101 permits compensation in physical assault cases for only the most serious felonies. Because the degree of assault is often dependent on a complex legal analysis, the characterization of an assault as any particular degree often has more to do with the offender's state of mind (or state of intoxication) than with the overall harm suffered by the victim, much of which might not be manifested by physical injury. This bill seeks to remedy this injustice by permitting the Violent Crimes Compensation Board to award compensation in any assault case, regardless of whether it is third degree (class C felony assaults involving dangerous instruments), fourth degree (misdemeanor assaults, including most domestic violence cases), or the most serious first or second degree, assaults.

I urge your prompt and favorable action on this bill.

Sincerely,


Steve Cowper
Governor

STATE OF ALASKA
1989 LEGISLATIVE SESSION

BILL VERSION: CS HB 57 (JUD)
PUBLISH DATE: _____

REQUEST:

FISCAL NOTE

Revision Date: 1-25-89

Agency Affected: Public Safety

Title: EXPANDING ELIGIBILITY FOR
VIOLENT CRIMES COMPENSATION

BRU: VIOLENT CRIMES COMPENSATION
BOARD

Sponsor: HOUSE RULES

Requestor: HOUSE FINANCE

EXPENDITURES/REVENUES: (Thousands of Dollars)(Inflation not included)

OPERATING	FY 89	FY 90	FY 91	FY 92	FY 93	FY 94
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS	-0-	20.0	20.0	20.0	20.0	20.0
MISCELLANEOUS						
TOTAL OPERATING	-0-	20.0	20.0	20.0	20.0	20.0

CAPITAL						
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REVENUE						
---------	--	--	--	--	--	--

FUNDING: (Thousands of Dollars)

GENERAL FUND	-0-	20.0	20.0	20.0	20.0	20.0
FEDERAL FUNDS						
OTHER						
TOTAL	-0-	20.0	20.0	20.0	20.0	20.0

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS: (Attach a separate page if necessary)

This bill amends AS 18.67.101 to allow victims of third and fourth-degree assaults to apply for violent crimes compensation. This change is expected to increase the number of eligible compensation claims by about 20 per year, at an average estimated cost of \$1,000.00 per claim.

Prepared by: Nola K. Capp, Administrator
Division: Violent Crimes Compensation Brd.

Phone: 465-3040
Date: 1/25/89

Approved by Commissioner: Arthur English
Agency: Department of Public Safety

Date: 1-25-89

STATE OF ALASKA
1989 LEGISLATIVE SESSION

BILL VERSION: HB 57
PUBLISH DATE: _____

FISCAL NOTE

REQUEST:

Revision Date: _____
 Title: "An Act expanding eligibility for violent crimes compensation." Agency Affected: Administration
 Sponsor: Rules Committee RRJ: Office of Public Advocacy
 Requestor: Governor Cowper Components: _____

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 89	FY 90	FY 91	FY 92	FY 93	FY 94
PERSONAL SERVICES	0	0	0	0	0	0
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	0	0	0	0	0	0
CAPITAL						
REVENUE						

FUNDING: (Thousands of Dollars)

GENERAL FUND	0	0	0	0	0	0
FEDERAL FUNDS						
OTHER						
TOTAL	0	0	0	0	0	0

POSITIONS:

FULL-TIME	0	0	0	0	0	0
PART-TIME						
TEMPORARY						

ANALYSIS : (Attach a separate page if necessary)

Prepared by: Brant McGee, Public Advocate Phone: 274-1684
 Division: Office of Public Advocacy Date: 1/26/89
 Approved by Commissioner: John Andrews Date: 1/26/89
 Agency: Department of Administration

Distribution (by preparer):

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