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SENATE COMMITTEE REPORT

FURTHER

3/28/89

DATE TURNED INTO OFFICE 4/18/89

Mr. President:

Finance Committee considered CSHB 57 (RULES)

authorizing the Violent Crime Compensation Board to pay compensation for personal injury or death to the victim of an assault in any degree

and recommended

- replace with _____ CS _____) same title
- or adopt _____ CS _____) new title
- attached amendment(s) and technical title change (HB only)
- _____ letter of intent adopted

~~do pass~~

do not pass

no recommendation

individual recommendations

further referral to _____

FISCAL NOTE(S) zero ^{DPS 130.0} fiscal impact appropriation no FN
 new updated ~~previous~~
 same as previous fiscal note(s) published _____

MEMBERS SIGNING ~~DO PASS~~

[Handwritten signatures]

OTHER RECOMMENDATIONS

[Handwritten signature] ^{CO-CHAIR} ~~NO PASS~~

Chairman signature and recommendation

[Handwritten signature] ^{CO-CHAIR} ~~NO PASS~~

Committee Backup attached

STATE OF ALASKA
1989 LEGISLATIVE SESSION

BILL VERSION: CS HB 57 (RULS)
PUBLISH DATE: 3/28/89
by Senate State Affairs

REQUEST: FISCAL NOTE
Revision Date: 03/23/89 Agency Affected: Public Safety
Title: EXPANDING ELIGIBILITY FOR BRU: VIOLENT CRIMES COMPENSATION
VIOLENT CRIMES COMPENSATION BOARD
Sponsor: HOUSE RULES
Requestor: SENATE STATE AFFAIRS

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						
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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.
To be eligible for federal funding, victims of fourth-degree assaults must be eligible for Violent Crimes Compensation by October of 1990. The Board received federal funds of \$246.0 in FY '88, is receiving \$149.0 in FY '89, and will receive \$144.0 in FY '90.

Prepared by: Nola K. Capp, Administrator
Division: Violent Crimes Compensation Brd.
Approved by Commissioner: Arthur English
Agency: Department of Public Safety

Phone: 465-3040
Date: 03/23/89
Date: 3-23-89

Adopted

Original sponsor: Rules/Governor

1 IN THE HOUSE BY THE RULES COMMITTEE
2 CS FOR HOUSE BILL NO. 57 (Rules)
3 IN THE LEGISLATURE OF THE STATE OF ALASKA
4 SIXTEENTH LEGISLATURE - FIRST SESSION
5 A BILL
6 For an Act entitled: "An Act authorizing the Violent Crime Compensation
7 Board to pay compensation for personal injury or
8 death to the victim of an assault in any degree."
9 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:
10 * Section 1. AS 18.67.101 is amended to read:
11 Sec. 18.67.101. INCIDENTS AND OFFENSES TO WHICH AS 18.67.010 -
12 18.67.180 APPLY. The board may order the payment of compensation in
13 accordance with the provisions of this chapter for personal injury or
14 death that resulted from
15 (1) an attempt on the part of the applicant to prevent the
16 commission of crime, or to apprehend a suspected criminal, or aiding
17 or attempting to aid a police officer to do so, or aiding a victim of
18 crime; or
19 (2) the commission or attempt on the part of one other than
20 the applicant to commit any of the following offenses:
21 (A) murder in any degree; [,]
22 (B) manslaughter; [,]
23 (C) criminally negligent homicide; [,]
24 (D) assault in any [THE FIRST OR SECOND] degree; [,]
25 (E) kidnapping; [,]
26 (F) sexual assault in any degree; [,]
27 (G) sexual abuse of a minor; [,]
28 (H) robbery in any degree; [,]
29 (I) threats to do bodily harm; [,] or

1 (J) driving while intoxicated or another crime result-
2 ing from the operation of a motor vehicle, boat, or airplane when
3 the offender is intoxicated.

4/18/89

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);
Manillaq Regional Women's Crisis Program; MEN, Inc.;
Safe & Fear-Free Environment (SAFE); Silians 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

January 9, 1989

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

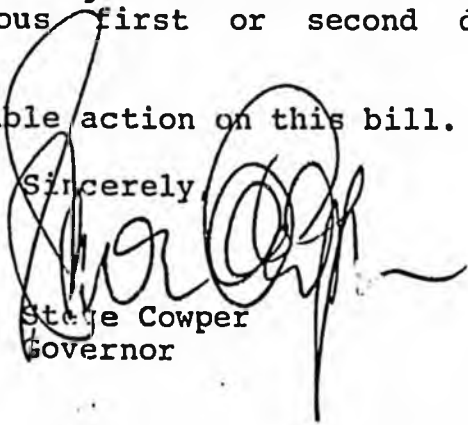
Dear Representative Cotten:

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