

HB

57



Senate Health, Education and
Social Services Committee

Senator Paul Fischer, Chairman

~~§~~
CSHB 57 allows the violent
Crimes Compensation Board to
award compensation for any
degree of assault.

VCCB Distributes Federal
funds - Has until 1990
to comply with federal law.

\$ 246,000 Dist. last year.



Senate Health, Education and
Social Services Committee

Senator Paul Fischer, Chairman

2/10/89

Barbara M. Kilar

Domestic and Sex assault

4354

Support it.

Alaska State Legislature



SENATOR JIM DUNCAN

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COMMITTEES:
FINANCE
VICE CHAIR —
HEALTH EDUCATION
& SOCIAL SERVICES
BUDGET & AUDIT
BANKING &
ECONOMIC
DEVELOPMENT

MEMORANDUM

FEBRUARY 17, 1989

TO: SENATOR PAUL FISCHER, CHAIR
SENATE HEALTH, EDUCATION & SOCIAL SERVICES COMMITTEE

FROM: SENATOR ~~JIM DUNCAN~~

SUBJECT: HOUSE BILL 57, AN ACT EXPANDING ELIGIBILITY FOR
VIOLENT CRIMES COMPENSATION

I REQUEST THAT YOU SCHEDULE HB 57, EXPANDING ELIGIBILITY FOR VIOLENT CRIMES COMPENSATION FOR A HEARING IN THE SENATE HEALTH EDUCATION & SOCIAL SERVICES COMMITTEE AS SOON AS POSSIBLE.

HOUSE BILL 57 AMENDS THE ELIGIBILITY FOR COMPENSATION FOR VIOLENT CRIMES TO INCLUDE ASSAULT IN ANY DEGREE RATHER THAN ONLY ASSAULT IN THE FIRST OR SECOND DEGREE. CURRENTLY VICTIMS OF THIRD AND FOURTH DEGREE ASSAULT ARE NOT ELIGIBLE FOR COMPENSATION EVEN THOUGH INJURIES TO VICTIMS CAN BE QUITE SEVERE. MANY DOMESTIC VIOLENCE ASSAULTS ARE THIRD AND FOURTH DEGREE CRIMES. BECAUSE THE DEGREE OF ASSAULT IS PRIMARILY BASED ON THE STATE OF MIND OF THE ASSAULTER AND OTHER LEGAL ISSUES RATHER THAN UPON THE INJURIES SUSTAINED BY THE VICTIM AN INEQUITABLE RESULT OCCURS.

CONGRESS IN 1988 ADDED NEW ELIGIBILITY CONDITIONS TO ITS FEDERAL VICTIMS OF CRIME ACT WHICH REQUIRE THAT COMPENSATION PROGRAMS INCLUDE VICTIMS OF DOMESTIC VIOLENCE. TO MAINTAIN ELIGIBILITY TO RECEIVE AND DISTRIBUTE FEDERAL FUNDS FROM THAT SOURCE WE MUST AMEND OUR PROGRAM PRIOR TO OCTOBER 1, 1990.

I URGE YOU TO SCHEDULE THIS BILL FOR A HEARING AS SOON AS POSSIBLE.

ATTACHMENTS

BILL NO: HB 57

DATE: January 18, 1989


TITLE: An Act expanding
eligibility for
violent crimes
compensation

CONTACT: Barbara Miklos
Executive Director
Council on Domestic
Violence and Sexual
Assault

DEPARTMENT OF PUBLIC SAFETY
/

HB57 amends the eligibility for compensation for violent crimes to include assault in any degree rather than only assault in the first or second degree. Currently victims of third- and fourth-degree assault are not eligible to be compensated. Many domestic violence assaults are charged as third- or fourth-degree assaults, even though the injuries to the victims can be quite severe. This is because the degree of assault is determined not only by the extent of injury to the victim, but also by the offender's state of mind or state of intoxication. Thus the victims may have suffered serious injuries, causing loss of earnings and medical and other expenses which they may not be compensated for under the current statute.

The Council on Domestic Violence and Sexual Assault supports the passage of HB 57.



Arthur English
Commissioner

Viol.

BILL NO: HB 57

DATE: 01/13/89

VIOLENT CRIMES
COMPENSATION BO/

TITLE: An Act expanding eligibility for violent crimes compensation
CONTACT: Nola K. Capp
465-3040

JAN 13 1989

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.

Wayne G. English
for Arthur English
Commissioner