

HB341

HOUSE COMMITTEE REPORT

(11)

Date Referred: April 27, 1992

FURTHER REFERRALS:

Date of Committee Action: 5/04/92

The FINANCE Committee considered:

HB 341

HOUSE BILL NO. 341

COMPENSATE INNOCENT VEHICLE OWNERS

"An Act relating to compensation for propelled vehicles in the custody of a law enforcement agency; and providing for an effective date."

RECOMMENDATIONS:

be replaced with CS HB 341 (FIN) the same title

a new title

have attached amendments(s)

do pass

do not pass

no recommendations

individual recommendations

additional referral to the _____ Committee

ADOPTS: _____ letter of Intent

ATTACHES NEW FISCAL NOTE(S): (Dept)

APPROVES PREVIOUS: (Dept/Date)

fiscal impact DPS

fiscal note(s) _____

zero fiscal note _____

zero fiscal note(s) _____

SIGNING DO PASS	DP	OTHER RECOMMENDATIONS	DNP	NR	AM
<u>Mike Navarre</u> NAVARRE	✓	<u>Fan Brown</u> BROWN		✓	
<u>Mark Boyer</u> Boyer	✓	_____			
<u>Koponen</u> Koponen	✓	<u>Roll E. Phillips</u> Phillips		✓	
<u>Jack Jacko</u> Jacko	✓				
<u>Barnes</u> Barnes	X				
<u>Shang</u> Shang	X				
<u>Ullrich</u> Ullrich	✓				
<u>MacLean</u> MacLean	X				
<u>Ronald J. Larson</u> Larson	X				

Mike Navarre & MacLean
 (1) CHAIRMAN'S SIGNATURE
 MacLean

FISCAL NOTE

BILL NO. CSHB 341(FIN)

STATE OF ALASKA
1992 LEGISLATIVE SESSION

Revision Date: 5/5/92 Department Affected: Public Safety
 Title: "An Act relating to compensation for BRU: Violent Crimes Compensation Board
propelled vehicles in the custody...." Component: Violent Crimes Compensation Board
 Sponsor: Rep. Parnell
 Requestor: House Finance COMPONENT SERIAL NO.

	5	2	0
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EXPENDITURES/REVENUES: (Thousands of Dollars) (inflation not included)

OPERATING	FY 93	FY 94	FY 95	FY 96	FY 97	FY 98
PERSONAL SERVICES						
TRAVEL	1.5	1.5	1.5	1.5	1.5	1.5
CONTRACTUAL	17.5	17.5	17.5	17.5	17.5	17.5
SUPPLIES	4.0	4.0	4.0	4.0	4.0	4.0
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	23.0	23.0	23.0	23.0	23.0	23.0
CAPITAL						

REVENUE						
FUND SOURCE:						

FUNDING: (Thousands of Dollars)

GENERAL FUND						
FEDERAL FUNDS						
OTHER PFD Fund	23.0	23.0	23.0	23.0	23.0	23.0
FUND SOURCE: 1050						
TOTAL	23.0	23.0	23.0	23.0	23.0	23.0

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

Estimate of current year impact: _____

ANALYSIS: (Attach a separate page if necessary.)

See attached.

Prepared By: Gayle A. Horetski Phone: 465-4322
 Division: Commissioner's Office Date: 05/05/92
 Approved by Commissioner: *Gayle Horetski* Richard L. Burton
 Agency: Department of Public Safety Date: 05/05/92

CSHB 341(TRANS) will require the Violent Crimes Compensation Board to compensate owners of motor vehicles seized by law enforcement agencies as evidence in criminal cases. The amount of compensation would be based on an estimate of the vehicle's value at the time it is seized and the vehicle's expected useful life. The fiscal impact is anticipated to be as follows:

TRAVEL: By statute, all decisions on awards must be made by the Board. Because additional claims would be generated by this bill, it is estimated the number of Board meetings would increase from 4 meetings per year to 5 meetings per year.

1 additional Board meeting	1.5
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CONTRACTUAL: Payments to vehicle owners statewide are estimated by Alaska State Troopers and the Anchorage Police Department as follows:

Payments

Out of the estimated 50 additional claims a year, it is anticipated that 10 will be awarded. At an average value of \$10,000, and with an expected life of 96 months, the monthly value would be \$104.
(10 vehicles x \$104 x 12 months) = 12.5

Hearings

By statute, each claimant has the right to a hearing if they disagree with the Board decision. Each hearing costs approximately \$1000, and it is estimated there would be an additional cost of 5 hearings. 5.0

TOTAL CONTRACTUAL	17.5
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Supplies: Estimated cost of new brochures and applications 4.0

TOTAL	23.0
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CS FOR HOUSE BILL NO. 341 (FINANCE)
 IN THE LEGISLATURE OF THE STATE OF ALASKA
 SEVENTEENTH LEGISLATURE - SECOND SESSION

BY THE HOUSE FINANCE COMMITTEE

Offered:
 Referred:

Sponsor(s): REPRESENTATIVE PARNELL

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to compensation through the Violent Crimes Compensation Board for loss
 2 of certain motor vehicles in the custody of a law enforcement agency; and providing for
 3 an effective date."

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

5 * Section 1. AS 12.36 is amended by adding a new section to read:

6 Sec. 12.36.070. NOTICE OF RIGHT OF COMPENSATION FOR LOSS OF MOTOR
 7 VEHICLE. A law enforcement agency, within 10 days of seizing a motor vehicle, shall contact
 8 the registered owner of the vehicle to advise the owner of the right to obtain compensation for
 9 temporary or permanent loss of a motor vehicle under AS 18.67.080.

10 * Sec. 2. AS 18.67.010 is amended to read:

11 Sec. 18.67.010. PURPOSE. It is the purpose of this chapter to facilitate and permit the
 12 payment of compensation to innocent persons who are injured [,] or whose motor vehicles are
 13 seized by law enforcement agencies, to dependents of persons killed, and to certain other
 14 persons who by virtue of their relationship to the victim of a crime incur actual and reasonable

1 expense as a result of certain serious crimes or in attempts to prevent the commission of crime
2 or to apprehend suspected criminals.

3 * Sec. 3. AS 18.67.030(b) is amended to read:

4 (b) In order to be eligible for compensation under this chapter, the applicant shall, before
5 a hearing on an application under this chapter, submit reports, if reasonably available, from all
6 physicians or surgeons who have treated or examined the victim in relation to an [THE] injury
7 for which compensation is claimed at the time of or subsequent to the victim's injury or death.
8 If, in the opinion of the board, reports on the previous medical history of the victim, a report on
9 the examination of the injured victim, [OR] a report on the cause of death of the victim by an
10 impartial medical expert, or a report on the condition of an applicant's motor vehicle seized
11 by a law enforcement agency in connection with investigation or prosecution of a criminal
12 offense would be of material aid to its determination, the board shall order the reports or [AND]
13 examination.

14 * Sec. 4. AS 18.67.070 is amended to read:

15 Sec. 18.67.070. STANDARDS FOR COMPENSATION. For the purpose of determining
16 the amount of compensation payable under this chapter, the board shall, insofar as practicable,
17 formulate standards for uniform application of this chapter and take into consideration rates and
18 amounts of compensation payable for injuries, [AND] death, and deprivation and loss of motor
19 vehicles under other laws of the state and of the United States and the availability of funds
20 appropriated for the purposes of this chapter. The board shall determine the amount of
21 compensation payable under this chapter for temporary or permanent loss of a motor
22 vehicle by ascertaining, based on standard publications used in the retail motor vehicle
23 business, the value of the vehicle at the time it is seized and the vehicle's expected useful
24 life, in months. The value of the vehicle divided by the expected life yields the monthly
25 compensation owed.

26 * Sec. 5. AS 18.67.080(a) is amended to read:

27 (a) In a case in which a person is injured or killed by an incident specified in
28 AS 13.67.101(a)(1) [AS 18.67.101(1),] or by the act of any other person that is within the
29 description of offenses listed in AS 18.67.101(a)(2), or suffers temporary or permanent loss
30 of a motor vehicle in an incident specified in AS 18.67.101(b) [AS 18.67.101(2)], the board
31 may order the payment of compensation in accordance with the provisions of this chapter:

1 (1) to or for the benefit of the [INJURED] person suffering injury or temporary
2 or permanent loss of a motor vehicle;

3 (2) in the case of personal injury or death of the victim, to a person responsible
4 or who had been responsible for the maintenance of the victim who has suffered pecuniary loss
5 or incurred expenses as a result of the injury or death;

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

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

9 * Sec. 6. AS 18.67.080(c) is amended to read:

10 (c) In determining whether to make an order under this section, the board shall consider
11 all circumstances determined to be relevant, including provocation, consent, or any other behavior
12 of the victim that directly or indirectly contributed to the victim's injury, [OR] death, or
13 temporary or permanent loss of a motor vehicle; the prior case or social history, if any, of the
14 victim; [,] the victim's need for financial aid; [,] and any other relevant matters.

15 * Sec. 7. AS 18.67.080(d) is amended to read:

16 (d) An order may be made under this section whether or not a person is prosecuted or
17 convicted of an offense arising out of the act that caused the injury, [OR] death, or temporary
18 or permanent loss of a motor vehicle involved in the application. Upon application made by
19 an appropriate prosecuting authority, the board may suspend proceedings under this chapter for
20 a period it considers appropriate on the ground that a prosecution for an offense arising out of
21 the act that caused the injury, [OR] death, or temporary or permanent loss of a motor vehicle
22 involved in the application has been commenced or is imminent.

23 * Sec. 8. AS 18.67.090(a) is amended to read:

24 (a) Up to the maximum set in AS 18.67.130(c), the board may award compensation for
25 losses and expenses allowable under AS 18.67.110 for which the applicant is not compensated
26 by the offender or a person on behalf of the offender, or by the United States, a state, or any of
27 its subdivisions or agencies, or a private source or emergency awards under AS 18.67.120, for
28 injury, [OR] death, or temporary or permanent loss of a motor vehicle compensable under this
29 chapter.

30 * Sec. 9. AS 18.67.101 is amended by adding a new subsection to read:

31 (b) The board may order the payment of compensation in accordance with the provisions

1 of this chapter to the owner of a motor vehicle for temporary or permanent loss of the motor
2 vehicle as a result of seizure of the motor vehicle by a law enforcement agency in connection
3 with investigation and prosecution of a criminal offense listed in (a)(2)(A) - (I) of this section.

4 * Sec. 10. AS 18.67.110(a) is amended to read:

5 (a) The board may order the payment of compensation under this chapter for

6 (1) expenses actually and reasonably incurred as a result of the victim's personal
7 injury, [OR] death, or temporary or permanent loss of a motor vehicle [OF THE VICTIM];

8 (2) loss of earning power as a result of total or partial incapacity of the victim,
9 and reasonable expenses of job retraining of or similar employment-oriented rehabilitative
10 services for the victim;

11 (3) pecuniary loss to the dependents of the deceased victim; and

12 (4) any other loss resulting from the personal injury or death of the victim that
13 the board determines to be reasonable.

14 * Sec. 11. AS 18.67.110(b) is amended to read:

15 (b) The board may order that compensation under (a) of this section for a service
16 provided as a result of the victim's personal injury, [OR] death, or temporary or permanent
17 loss of a motor vehicle [OF THE VICTIM] be paid directly to the provider of the service.

18 * Sec. 12. AS 18.67 is amended by adding a new section to read:

19 Sec. 18.67.115. SPECIAL PROCEDURES FOR COMPENSATING LOSS OF A
20 MOTOR VEHICLE. If the board estimates that the total compensation to be paid for temporary
21 or permanent loss of a motor vehicle will be less than \$1,000, it shall order payment in a lump
22 sum. Otherwise, the board may order compensation by means of either lump sum or monthly
23 installment, with the first payment due no later than 30 days after the date of the order.

24 * Sec. 13. AS 18.67.130(a) is amended to read:

25 (a) An [NO] order for the payment of compensation may not be made under
26 AS 18.67.080 unless

27 (1) the application has been made within two years after the date of the personal
28 injury, [OR] death, or temporary or permanent loss of a motor vehicle;

29 (2) in a claim for compensation for personal injury or death, the personal
30 injury or death was the result of an incident or offense listed in AS 18.67.101 that had been
31 reported to the police within five days of its occurrence or, if the incident or offense could not

1 reasonably have been reported within that period, within five days of the time when a report
2 could reasonably have been made; and

3 (3) in the discretion of the board, the applicant has cooperated with law
4 enforcement and prosecution officials to further prosecution of the offender if appropriate and,
5 in a claim for compensation for personal injury or death, to avoid further injury by the
6 offender to the applicant and injury to persons in the care of the applicant who are exposed to
7 possible injury by the offender.

8 * Sec. 14. AS 18.67.130(b) is amended to read:

9 (b) Compensation may not be awarded if the victim

10 (1) [REPEALED

11 (2) REPEALED

12 (3)] violated a penal law of the state, which violation caused or contributed to the
13 victim's injuries or death; or

14 (2) in a claim for compensation for personal injury, [(4)] is injured as a result
15 of the operation of a motor vehicle, boat, or airplane unless the vehicle was used by the offender
16 while intoxicated or as a weapon in deliberate attempt to injure or kill the victim.

17 * Sec. 15. AS 18.67.130(c) is amended to read:

18 (c) In a claim for compensation for personal injury or death, compensation
19 [COMPENSATION] may not be awarded under this chapter in an amount in excess of \$25,000
20 per victim per incident. However, in the case of the death of a victim who has more than one
21 dependent eligible for compensation, the total compensation that may be awarded as a result of
22 that death may not exceed \$40,000. The board may prorate the total awarded among those
23 dependents according to relative need.

24 * Sec. 16. AS 18.67.130 is amended by adding a new subsection to read:

25 (e) Compensation for temporary or permanent loss of a motor vehicle may not be ordered
26 under this chapter if

27 (1) the person making the claim for compensation is or could be charged with a
28 criminal offense in connection with which the motor vehicle was seized;

29 (2) the motor vehicle is subject by law to forfeiture; or

30 (3) the motor vehicle is returned undamaged to the owner, or to a person
31 designated by the owner, within seven calendar days of the date it was seized.

1 * Sec. 17. AS 18.67 is amended by adding a new section to read:

2 Sec. 18.67.135. ACTION FOR INVERSE CONDEMNATION OR DAMAGE TO A
3 MOTOR VEHICLE. This chapter does not preclude a person whose motor vehicle is seized by
4 a law enforcement agency from instituting an inverse condemnation action or action for damage
5 done to the vehicle while in the custody of the law enforcement agency.

6 * Sec. 18. AS 18.67.140 is amended to read:

7 Sec. 18.67.140. RECOVERY FROM OFFENDER. When an order for the payment of
8 compensation for personal injury, [OR] death, or temporary or permanent loss of a motor
9 vehicle is made under this chapter, the board, upon payment of the amount of the order, is
10 subrogated to the cause of action of the applicant against the person responsible for the injury,
11 [OR] death, or loss of the motor vehicle and is entitled to bring an action against the person for
12 the amount of the damages sustained by the applicant. If an amount greater than that paid under
13 the order is recovered and collected in the action, the board shall pay the balance to the applicant.

14 * Sec. 19. AS 18.67.180 is amended to read:

15 Sec. 18.67.180. DEFINITIONS. In this chapter

16 (1) "board" means the Violent Crimes Compensation Board;

17 (2) "dependent" means a relative of a deceased victim, who was dependent upon
18 the victim's income or services at the time of the victim's death; children of a victim born after
19 a victim's death are included;

20 (3) "motor vehicle" means a device upon which or by which a person or
21 property is or may be transported, and that is propelled by an engine;

22 (4) "personal injury" means actual bodily harm;

23 (5) [(4)] "relative" means spouse, parent, grandparent, stepparent, natural born
24 child, stepchild, adopted child, grandchild, brother, sister, half brother, half sister, or spouse's
25 parents;

26 (6) [(5)] "victim" means a person who is injured or killed by an incident or
27 offense specified in AS 18.67.101(a) or who suffers temporary or permanent loss of a motor
28 vehicle as specified in AS 18.67.101(b) [AS 18.67.101].

29 * Sec. 20. This Act takes effect July 1, 1992.

FISCAL NOTE

No. 1

Version: CSHB 341(TRA)

(H) Publish Date: 4/15/92

STATE OF ALASKA
1992 LEGISLATIVE SESSION

Revision Date: _____ Department Affected: Public Safety

Title: Compensation for loss of certain BRU: Violent Crimes Compensation Board

motor vehicles Component: Violent Crimes Compensation Board

Sponsor: Representative Parnell

Requestor: Representative Parnell COMPONENT SERIAL NO.

	5	2	0
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EXPENDITURES/REVENUES: (Thousands of Dollars) (inflation not included)

OPERATING	FY 93	FY 94	FY 95	FY 96	FY 97	FY 98
PERSONAL SERVICES	37.8	37.8	37.8	37.8	37.8	37.8
TRAVEL	3.0	3.0	3.0	3.0	3.0	3.0
CONTRACTUAL	110.8	110.8	110.8	110.8	110.8	110.8
SUPPLIES	8.2	8.2	8.2	8.2	8.2	8.2
EQUIPMENT	10.0					
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	169.8	159.8	159.8	159.8	159.8	159.8

CAPITAL						
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REVENUE						
FUND SOURCE:						

FUNDING: (Thousands of Dollars)

GENERAL FUND						
FEDERAL FUNDS						
OTHER PFD Fund	169.8	159.8	159.8	159.8	159.8	159.8
FUND SOURCE: 1050						
TOTAL	169.8	159.8	159.8	159.8	159.8	159.8

POSITIONS:

FULL-TIME	1	1	1	1	1	1
PART-TIME						
TEMPORARY						

Estimate of current year impact: _____

ANALYSIS: (Attach a separate page if necessary.)

See attached.

Prepared By: Nola Capp Phone: 465-3040

Division: Violent Crimes Compensation Board Date: 3/17/92

Approved by Commissioner: *Richard L. Burton* Richard L. Burton

Agency: Department of Public Safety Date: 3/17/92

DRAFT SS HB 341 will require the Violent Crimes Compensation Board to compensate owners of motor vehicles seized by law enforcement agencies as evidence in criminal cases. The amount of compensation would be based on an estimate of the vehicle's value at the time it is seized and the vehicle's expected useful life. The fiscal impact is anticipated to be as follows:

Personal Services: A new position would be needed to provide support to the two-person staff of the Board. Each owner would have to file an application and go through the same process as any other claimant for compensation. This includes processing and numbering each claim, entering this information on the computer, writing letters to claimants, law enforcement agencies, and other persons who may have an interest in the motor vehicle in question. Each claim is reviewed and when complete, is xeroxed for the Board members. After the Board meeting, letters must be written and sent certified mail telling the claimants of the decision of the Board. If the claimant does not agree with the decision of the Board, he or she may request a hearing. The complete file is xeroxed for the hearing officer and the hearing is transcribed verbatim. The Board anticipates an additional 250 claims per year under this bill, which would more than double the claims filed in a fiscal year.

Clerk Typist III, Range 8/A \$ 37.8
(See New Position Request Form)

Travel: By statute, all decisions on awards must be made by the Board. Because of the volume of claims that would be generated by this bill, it is estimated the number of Board meetings would increase from 4 meetings per year to 6 meetings per year.

2 Board meetings at \$1500.00 per meeting \$ 3.0

Contractual: Payments to vehicle owners are estimated by Alaska State Troopers and the Anchorage Police Department as follows:

Payments

Out of the estimated 250 additional claims a year, it is anticipated that 60 will be awarded. At an average value of \$10,000, and with an expected life of 96 months, the monthly value would be \$104
(60 vehicles x \$104 x 12 months) = \$ 74.8

VIOLENT CRIMES COMPENSATION BOARD
Fiscal Note analysis - DRAFT SSHB 341
Page 3 of 4

Hearings

By statute, each claimant has the right to a hearing if they disagree with the Board decision. Each hearing costs approximately \$1000 and it is estimated there would be an additional cost of 36 hearings based on 18 hearings per year at the current number of claims.

\$ 36.0

TOTAL CONTRACTUAL

\$110.8

Supplies: Estimated cost of office supplies
Estimated cost of new brochures and applications

\$ 4.0

\$ 4.2

TOTAL SUPPLIES

\$ 8.2

Equipment: Desk, chair, table, computer, printer, etc.

\$ 10.0

TOTAL

\$169.8

Notes:

- 1) Equipment is needed in the first year only.

CONFIDENTIAL

Position Title Clerk Typist III		Number of Positions 1	Range/Step 8/A	Bargaining Unit ASEA
Time Status PFT	Staff Months 12	Location Juneau	Election District	
Type of Expenditure		Justification		
Amount		Passage of this legislation will increase the workload of the Violent Crimes Compensation Board office staff.		
1	2	3		
Salary*	25.2		<p>This position will be needed to provide support to the two-person staff of the Board. Each owner requesting compensation would have to file an application and go through the same process as any other claimant for compensation. This includes processing and numbering each claim, entering this information on the computer, writing letters to claimants, law enforcement agencies, hospitals, doctors and employers verifying and documenting expenses. Each claim is reviewed and when complete, is xeroxed for the Board members. After the Board meeting, letters must be written and sent certified mail telling the claimants of the decision of the Board. If the claimant does not agree with the decision of the Board, they request a hearing. The complete file is xeroxed for the hearing officer and the hearing is transcribed verbatim. It is estimated this legislation would more than double the claims filed in a fiscal year.</p>	
Benefits*	12.6			
Premium Pay (Included in Above)				
Other				
Total Personal Services		37.8		
Travel		3.0		
Contractual		110.8		
Commodities		8.2		
Equipment		10.0		
Other				
Total Cost		169.8		
Funding Source For Total Cost				
Federal Receipts	1002			
G.F. Match	1003			
General Fund	1004			
Program Receipts/GF	1005			
I-A Receipts	1007			
CIP Receipts	1061			
Other		169.8		
* Personal Services Salary and Benefits Costs are from PACS calculations.				

REQUEST FOR
NEW POSITION

AGENCY Department of Public Safety

BRU Violent Crimes Compensation Bd.

COMPONENT Violent Crimes Compensation Bd.

FY 93

Page 4 of 4

Revised Date



Official Business

Alaska State Legislature

HOUSE OF REPRESENTATIVES

Kevin "Pat" Parnell


University - Midtown, District 10

(907) 465-2647

State Capitol, Rm. 12S

Juneau, AK 99801-1182

To: Representative Mike Navarre, Co-Chair
Representative Eileen MacLean, Co-Chair
House Finance Committee

From: Representative Kevin "Pat" Parnell 

Date: April 25, 1992

Subject: Committee Scheduling for CSHB 341 (TRANS)

I would like to ask for committee scheduling date for CSHB 341 (TRANS), "An Act relating to compensation through the Violent Crimes Compensation Board for loss of certain motor vehicles in the custody of a law enforcement agency;" it was passed out of the House Judiciary Committee on Friday.

This bill would allow for the Violent Crimes Compensation Board to be able to determine compensation if an innocent bystander has a vehicle confiscated by a law enforcement agency for purposes of an investigation.

Many are aware of the situation that happened last year when a young gentleman in Anchorage was driving on the Glenn Highway when someone shot and killed his friend riding in the passenger seat. The vehicle was then impounded for evidence reasons. The car was not returned to the said individual for almost one year, in which he still had to make car payments, thus not allowing for the resources to purchase another car.

CSHB 341 (TRANS) would allow for those people who still need their vehicle for making a livelihood, to have the resources to not be affected by the impoundment of their vehicle for evidence purposes.

Thank you for your consideration in this matter.



Official Business

Alaska State Legislature

HOUSE OF REPRESENTATIVES

Kevin "Pat" Parnell

University - Midtown, District 10

(907) 465-2647

State Capitol, Rm. 12S

Juneau, AK 99801-1182

SPONSOR STATEMENT

HOUSE BILL 341 "VEHICLE REIMBURSEMENT"

House Bill 341 came about as a result of a shooting on the Glenn Highway in Anchorage last year. This is where three young people were in a car and one of them shot the window out of another vehicle from the back, killing the passenger in the front seat.

The vehicle in which the passenger was riding, was then impounded as evidence. The owner was not a party to the incident and was an innocent bystander. He was not able to keep his car for use to and from work, or for any other purpose. The owner was still responsible for making car and insurance payments. Because of this, he was not able to afford another piece of transportation. Luckily for him, a group rallied and donated a car for his use.

In this particular case, the gentleman was exposed to not having his vehicle for almost one year. It seems only fair that in cases where the owner of the vehicle is not charged with anything by the authorities, that if they need the vehicle for evidence, compensation should be forthcoming. For this and for further damage sustained to the vehicle.

"Violent Crimes Compensation Board" will allow people to file claims with the Board for reimbursement.



Official Business

Alaska State Legislature

HOUSE OF REPRESENTATIVES

Kevin "Pat" Parnell

University - Midtown, District 10

(907) 465-2647
State Capitol, Rm. 12S
Juneau, AK 99801-1182

SECTIONAL ANALYSIS FOR ^{CS} SSHB 341

Section 1. AS 12.36 is amended with a new section,
DISPOSITION OF RECOVERED OR SEIZED PROPERTY.

Sec. 12.36.070. NOTICE OF RIGHT OF COMPENSATION FOR LOSS OF MOTOR VEHICLE.

The law enforcement agency who seizes a motor vehicle for purpose of an investigation, shall notify the owner of the right to obtain compensation for the temporary or permanent loss of it.

Section 2. AS 18.67.010 VIOLENT CRIMES COMPENSATION BOARD [PURPOSE], is amended.

Places wording or whose motor vehicles are seized by law enforcement agencies, to give the "Violent Crimes Compensation Board the needed authority to hear these cases.

Section 3. AS 18.67.030(b) APPLICATION FOR COMPENSATION.

Has wording inserted that requires that a report of the condition of the vehicle in question, shall be submitted to the Board by the applicant, in the application process.

Section 4. AS 18.67.070, STANDARDS FOR COMPENSATION.

States that one of the standards for compensation is the loss of a motor vehicle. Also that the Board shall determine the amount of compensation payable for the loss, based on current value of car, and the expected usage of it.

The formula for usage is determined as value of car (V) divided by expected life (EL), yields monthly compensation (MC) owed $[v/el = mc]$.

Page 2 of 3
April 14, 1992
Sectional Analysis of SSHB 341

Section 5 - 8. AS 18.67.080 (a, b, c, & d) AWARDING COMPENSATION is amended.

Includes temporary or permanent loss of a motor vehicle[.]

Section 9. AS 18.67.101 INCIDENTS AND OFFENSES TO WHICH THIS CHAPTER APPLIES, is amended to include new subsection.

(b) Allows Violent Crimes Compensation Board to determine compensation for victims under this section. It is noted that the vehicle in question must be necessary to the conduct of the owner's trade or business. It is not considered to be necessary solely because the vehicle is driven between the owner's home and principal place of work.

Section 10 - 11. AS 18.67.110 (a & b) NATURE OF THE COMPENSATION is amended.

Places temporary or permanent loss of a motor vehicle into these sections.

Section 12. AS 18.67.115 is a new section, SPECIAL PROCEDURES FOR COMPENSATION LOSS OF A MOTOR VEHICLE.

If the board determines cost of vehicle is less than \$1000 dollars, it shall pay a lump sum to the victim.

Section 13 - 15. AS 18.67.130 (a, b, & c) LIMITATIONS ON AWARDING COMPENSATION is amended.

Includes temporary or permanent loss of a motor vehicle (a) and also including in a claim for compensation for personal injury or death, (b & c) to give them standing.

Section 16. AS 18.67.130 LIMITATIONS ON AWARDING COMPENSATION is amended with a new section.

States that compensation for this cannot be done if the person making the claim is or could be charged with the criminal offense for which the motor vehicle was seized.

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April 14, 1992
Sectional Analysis of SSHB 341

Section 17. AS 18.67.135 is amended with a new section, ACTION FOR INVERSE CONDEMNATION OR DAMAGE TO A MOTOR VEHICLE.

Section 18. AS 18.67.140, RECOVERY FROM OFFENDER, is amended.

Adds temporary or permanent loss of a motor vehicle, and loss of the motor vehicle to this section.

Section 19. AS 18.67.180, DEFINITIONS, is amended.

Includes definition "motor vehicle," and adds to the definition of "victim," to include temporary or permanent loss of a motor vehicle.

Section 20. Effective date is July 1, 1992.

MEMORANDUM

State of Alaska

TO: Shelby Stastny, Director
Office of Management and Budget
Office of The Governor

DATE: September 20, 1991

FILE NO: DIROFC/AMPOLBUD.2

TELEPHONE NO: 465-4322

FROM: *KB for*
Richard L. Burton, Commissioner
Department of Public Safety

SUBJECT: Department of Public Safety
Policy Budget

Submitted with this cover is the Department of Public Safety's proposed Policy Budget for the FY93-95 period. We have reviewed the level and mix of program services, the governmental role of each program, program authority, methods of service delivery, and funding options. We propose to increase revenues to the department to enable it to continue to provide essential public protection services.

Introduction

The most fundamental goal of the Department of Public Safety (DPS) is the protection of life and property. The major purpose of all DPS programs is to further the department's ability to meet this goal. Additionally, DPS operates programs which offer services that are among the most basic and traditional that state government provides.

The policy budget instructions directed agencies to look at a number of issues in terms of "right sizing" their agency through FY95. The department views all current programs as having significant value to the citizens of Alaska. In several instances, they are essential. The Department of Public Safety has been asked to "downsize" its operations by \$2.9 million. This amount, combined with 5% inflation, would amount to a 20% reduction in department services by 1995. The following summarizes some of the internal policy discussions we have had, and which led to the present budget proposal.

Should there be fewer troopers?

Alaska has the lowest ratio of state police to population served and geographic boundaries of any of the northwestern states. The rate of serious crimes in Alaska is increasing. From 1989 to 1990 violent crimes of murder, rape, robbery, and aggravated assault increased by 14.5%; property crimes of burglary, larceny, and motor vehicle theft were up by 45%; forcible rape increased by 49%. The number of trooper positions has been reduced by 50 positions since 1987. Other considerations include:

- o More than 50 suspected homicides remain unsolved;
- o 50 missing persons are reported monthly to AST's missing persons clearinghouse;
- o An average of 15 new sexual abuse/assault cases are investigated each month;
- o Alaska's annual marijuana crop is estimated to be worth \$15 million;

- o There are 200 reports of commercial marijuana growing in Alaska that AST has not yet been able to investigate;
- o In 1990, there were 98 traffic deaths, of which 46 were alcohol related;
- o In 1990, \$6.3 million in property was stolen, only \$2.1 million was recovered;
- o In 1990, 8,000 prisoners were transported;
- o 2,343 warrants were cleared by arrest; 13,191 warrants are currently backlogged.

Do we reduce the Division of Motor Vehicles?

This division has more public contact and visibility than any other state agency. Almost every Alaskan over the age of 16 has some contact with the division each year, either directly or indirectly. The division performs many public safety related functions, but it is usually rated on the level of service provided in the public offices.

With the loss of seasonal positions in FY92, peak waiting times in field offices have increased from 45-60 minutes to over two hours. A production measure used to gauge waiting times is that, on average, each employee is capable of processing up to 8,000 transactions per year. This workload equates to waiting periods of less than 30 minutes. We have achieved efficiency through automation and training. By comparison, in 1986 average transaction workloads of 6,200 produced one to two-hour waits. Now, with recent reductions, most larger offices have a workload of over 10,000 transactions per employee, which equates to the two-hour wait and more complaints.

Federal rulemaking is underway that will require program additions in state motor vehicle offices, with the loss of highway construction funds as a sanction for failure to comply. The division will likely be seeking budget increases to prevent the loss of some \$14,000,000 annually for each program where the state is in non-compliance (e.g., Commercial Drivers Licensing, Clean Air Act Amendments, International Registration Plan, Americans with Disabilities Act).

The division collects more than \$28,000,000 in General Funds annually; its present budget is \$7.1 million.

Do we reduce the Division of Fish & Wildlife Protection?

In 1983 the division's commissioned strength of 119 officers served a population of 497,600. In 1992, 88 commissioned officers serve a population of 550,000. This includes 1,923 licensed guides and transporters, 350,000 licensed sportfishermen, 115,000 licensed hunters, and 19,000 licensed trappers. The value of the 1989 seafood harvest is estimated at \$3 billion at the first wholesale level. Industry investment is estimated at \$4 billion.

Where we have been able to dedicate time to single large investigations we have been successful. One commercial crab case resulted in \$555,000 in penalties. The 1990 Bristol Bay fishery resulted in \$551,650 in fines and forfeitures. In 1990, \$961,631 in net fines and \$230,500 in civil penalties were ordered.

Do we reduce the Division of Fire Prevention?

There are an estimated \$2 billion worth of construction projects planned over the next two to three years that will require plan review. These include \$1 billion in north slope oil facilities, \$300 million in fisheries construction in Unalaska, the Point McIntyre oil field, a petro-chemical facility at Valdez, new coal facility in Sutton, and new gold mine facility in Fairbanks. Plan reviews are funded by program receipts, which fall under the definition of General Funds. These plan reviews will not be performed unless receive and expend authority is granted to this program.

The division is substantially backlogged in inspections of high priority facilities and lacks sufficient arson investigation capacity. These two functions are funded with General Funds. 25,000 hours of training was provided to the fire service in FY91. A major portion of training is funded from fees paid by agencies to attend these classes. These program receipts are classified as General Funds by OMB. These fees will not be received if these training courses are not conducted. In 1990, the Division conducted 797 plan reviews, 1632 inspections, 58 investigations, and 114 public education projects.

Should Highway Safety Planning be reduced?

The Alaska Highway Safety Planning Agency is a small (four-person) office. Its main function is the development and implementation of an annual Highway Safety Plan for Alaska. Federal law requires such a plan, approved by the National Highway Traffic Safety Administration. Failure to comply with this law would subject the State of Alaska to sanctions, including the loss of ten percent of the state's federal highway construction funds--approximately 14 million dollars.

This program contains \$164.0 in General Funds, and brings in an additional \$913.0 in federal funds. This program funds statewide highway safety projects. Examples include: alcohol prevention and education, the purchase of Intoximeter breath test instruments, traffic enforcement (Juneau, Anchorage, Nenana, MAT-SU, Fairbanks), trauma training and statistics, photologging of the state's roadways, seat belt use, and motor carrier safety.

Should Village Public Safety Officers be reduced?

In 1990 there were 14,000 calls for service to VPSOs, including search and rescue, assault, burglary, larceny, alcohol, weapons, motor vehicle, medical assistance, fire service, and domestic violence calls. The original concept of the VPSO program was to supplement troopers by placing a lower paid VPSO on-site as a first responder to emergencies. Without the VPSO program, more troopers, travel and equipment would be required to maintain the physical safety of village residents.

Should the Violent Crimes Compensation Board be reduced?

Presently this program is funded mainly by federal receipts and the proceeds of inmates' Permanent Fund dividends. There is only \$20.0 in General Funds in this budget.

Should the Council On Domestic Violence and Sexual Assault be reduced?

In 1990 the number of nights of shelter provided increased 36% (almost 50,000 nights of safety provided to 9,300 victims). The Alaska Court System's 1990 annual report shows a 27% increase in the District Court's domestic violence caseload. The Anchorage Municipal Prosecutor's Office reported a 44% increase in domestic violence crimes in that city during the last two years.

Alaska's rate of reported rapes (generally considered to be 10-25% of the actual number) is 1.5 times the national average, and rising. In nine of the last 13 years, Alaska has had the highest rate of reported rapes in the United States. Over the last three years the shelter programs have provided an average of 25% more shelter nights to 15% more victims, while absorbing nearly 15% in inflationary cost increases.

Should the Alaska Police Standards Council be reduced?

This program consists of two employees and the costs for maintenance of statewide police certification and training functions. The Council sets certification standards and conducts revocation hearings to decertify substandard officers. With the present national focus on police brutality, we need to step up efforts to improve the quality of police services in Alaska, not cut back on these safeguards.

Should Statewide Law Enforcement Support Programs be reduced?

These programs include the Crime Lab, Alaska Public Safety Information Network (APSIN), Alaska Criminal Records and Identification (R&I), and the Public Safety Academy. These programs support the statewide criminal justice community (which has a combined budget of more than \$300 million). These programs provide the forensic, technological, and information support, and the training required for an efficient and effective criminal justice system. In some instances, criminal cases are successfully prosecuted only because of the existence of these programs. Court costs are avoided when evidence proving guilt prompts the defendant to plead guilty rather than go to trial.

In FY91 over 400 autopsies in suspicious or criminal deaths were conducted at the Crime Lab. 4,200 DWI arrests were made based upon Intoximeter breath test results. Sophisticated forensic support services were provided in 3,310 criminal cases.

APSIN automates the collection of \$28 million in General Fund revenues, maintains essential law enforcement data (criminal histories, vehicle, license, and property records, wants and warrants, and officer activity), and allows access to the National Crime Information Center and the National Law Enforcement Telecommunications System.

R&I updates criminal histories, maintains central fingerprint files, connects with the Western Identification Network, is the sole state arrest fingerprint card contributor to the FBI, maintains and microfilms trooper case reports, and produces the annual publications Crime In Alaska and Fatal Accident Reports.

The Public Safety Academy trains Alaska State Trooper Recruits and Fish & Wildlife Protection Recruits, Village Public Safety Officers, State Park Rangers, Airport Police, Municipal Police, and provides in-service training for department personnel. Except for the Anchorage Police Department, every police department in the state uses the DPS Academy to train its new officers.

Should we reduce department management?

In 1982 there were 886 PFT and 91 PT positions in DPS, supervised by 44 commissioned and 23 civilian managers. In 1991 there were 820 PFT and 68 PT positions supervised by 21 commissioned and 20 civilian managers. During the FY79 to FY91 time frame, 13 programs totalling \$22 million with 57 positions were added to the department. With 36 fewer managers, 13 more programs to run, and after two early retirement programs, it would be irresponsible to reduce management any further.

Should the Department reduce Contract Jails?

The Contract Jails provide an estimated 29,000 nights of custody to 9,400 prisoners. The Contract Jails Component has received tentative approval to request a supplemental appropriation for FY92.

Summary

All DPS programs are busy and backlogged. Many programs have implemented alternate funding or identified efficiencies to preserve service levels, and all continue to look for ways to improve. Achieving further efficiencies that would compensate for a 20% budget reduction by FY95, when combined with growing workloads, is simply not feasible.

We currently contract for jail services, VPSO services, domestic violence shelters, and for DMV counter services through commission agents where cost-efficient. No cost-effective alternatives to the current methods of service delivery are known. If alternatives are identified, the department will work with executive, judicial, and legislative bodies to explore these alternatives.

In my view, the Department of Public Safety is not presently staffed to perform its primary duties to protect life and property. Making major reductions to this department's budget will require the highest level of policymaking, we need to talk across the table.

In fiscal year 1978, the number of positions in the Department represented 8.5 percent of all positions in the State operating budget. In fiscal year 1991, the Department's positions represented 4.9 percent of the State's total. Between FY78 and FY91 the total number of State employees almost doubled while state population increased by more than 37 percent or 150,000. The demand for police, fire, and motor vehicle services is heavily impacted by this major increase in population; Public Safety's position count has not kept pace.

It is my conclusion that the Department of Public Safety cannot sustain a reduction of 20% without completely eliminating whole programs. Because of the basic nature of all of our services, major policy issues are involved that I prefer to discuss in person with the Budget Development Group, the Governor, and the legislature prior to recommending the reductions needed for Public Safety to reach its OMB/DBG target for FY95.

The Department has proposed revenue raising measures that would more than offset the target reductions and maintain Public Safety programs. Alaska's fees for motor vehicle services are among the lowest in the nation. Doubling the fees currently charged would place Alaska near the national average and generate \$24 million in addition to the \$28 million already generated by DMV.

This policy budget is submitted as a high level plan, with the understanding that detailed budget analysis has yet to occur. The OMB Position Authorization Control System (PACS) was not updated to precisely cost out personal services. Detailed base budget numbers have not yet been provided to agencies. Accordingly, when detailed budget submissions are produced, some adjusting between components and BRUs will be necessary to implement the policy budget plan.

cc: Walter J. Hickel, Governor
Budget Development Group

Anchorage Daily News

Gerald E. Grilly, Publisher Howard Weaver, Editor

Michael Carey, Editorial Page Editor
Patrick Dougherty, Managing Editor

Katherine Fanning, Editor and Publisher, 1971 to 1983
Lawrence Fanning, Editor and Publisher, 1967 to 1971
Founded in 1946 by Norman C. Brown

Justice?

Innocent victims find indifference

Alaska, like the rest of the country, strives to have a law enforcement system in which justice is blind. For those accused of crimes, it's a noble and appropriate goal.

But as presently structured, the criminal justice system too often is blind to the plight of innocent victims and witnesses. All the attention focuses on uncovering suspects and proving their guilt or innocence. The needs of victims and witnesses are an afterthought.

Take the case of Eagle River resident Rob Chamberlain. He was driving his \$5,000 sports car when his passenger was shot and killed by another motorist. His car has been impounded as evidence until the suspect goes on trial. In the meantime, Mr. Chamberlain has to bum rides for his lengthy trip to work, while he's stuck paying for a car he cannot use.

In a system that cared about justice for innocent bystanders, there would be a simple process for helping people like Mr. Chamberlain. Society has a legitimate need to take his car for evidence. It's less clear why society should be allowed to take it without just compensation.

The violent crimes compensation board, welcome as it is, provides no relief here. The board does not compensate victims of property crimes. It cannot pay for economic losses that an investigation or prosecution inflicts on innocent witnesses.

One reason society doesn't do more for victims and witnesses is money. The \$600,000 a year Alaska spends on victims of violent crimes is barely enough to meet the demand. Helping innocent witnesses with their losses and expenses could cost considerably more.

But then, no one ever said justice is cheap.

Justice takes toll of innocent man

Driver of car impounded after highway killing must still pay

By SHEILA TOOMEY
Daily News reporter

The last time Rob Chamberlain saw his nifty red sports car it was surrounded by police and his friend lay dead in the front seat.

Chamberlain, 21, is the owner of the 1985 Toyota MR2 where Jeffrey Cain died, shot to death last month from another car at the Muldoon exit off the Glenn Highway. Chamberlain was driving that night, on his way to drop Cain off at Kentucky Fried Chicken, when a high-powered rifle bullet pierced the rear window and killed his friend instantly.

Chamberlain bought the car for \$5,000 three weeks before the shooting and, for a while, what happened to it was the least of his concerns. The police impounded it for their investigation, which he figured would take a few weeks, maybe even a month or two, and that seemed reasonable.

But now Chamberlain has been told he can't have the car until after the two men accused in Cain's death are tried — which

could be a year or more. That seems unreasonable, he said.

"I can't afford to make the payments and get another car."

Assistant District Attorney Steve Branchflower, who will be taking the case to trial, said he really has no choice but to keep the Toyota.

"You never know what kind of argument a defense attorney is going to make," Branchflower said. "I certainly don't want to heap any more inconvenience on the owner, but it's important in a case like this that we preserve until after the trial every piece of evidence. We have no way of telling today what might develop as an issue tomorrow."

Also, Branchflower said, jurors might ask to see the car. "My duty is to err on the side of caution."

In the face of death, the inconvenience of losing a car seems a small thing. But in the life of a real person, a young man who lives

Please see Back Page, TALES

