

HB

341

HOUSE COMMITTEE REPORT

(7) Date Referred: April 15, 1992 FURTHER REFERRALS: Finance

Date of Committee Action: 4/24/92

The JUDICIARY 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 (TRA) 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 _____ fiscal note(s) PS 4/15/92
 zero fiscal note _____ zero fiscal note(s) _____

SIGNING <u>DO</u> PASS	DP	OTHER RECOMMENDATIONS	DNP	NR	AM
		<u>Dave Donley</u>		✓	
		<u>Lyellis</u>		X	
		<u>Mark Hamber</u>		X	
		<u>W. J. Greenberg</u>		✓	

Dave Donley
 CHAIRMAN'S SIGNATURE

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

VIOLENT CRIMES COMPENSATION BOARD
Fiscal Note analysis - DRAFT SSHB 341
Page 2 of 4

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

COMMITTEE COPY

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.

Position Title Clark 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. 125
Juneau, AK 99801-1152

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.



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University - Midtown, District 10

(907) 465-2647

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SECTIONAL ANALYSIS FOR 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.

Page 3 of 3
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.

(7)

B

HOUSE COMMITTEE REPORT

Date Referred: May 18, 1991

FURTHER REFERRALS:

4-15-92
Judiciary
Finance

Date of Committee Action: 4/14/92

The TRANSPORTATION Committee considered:

HB 341

HOUSE BILL NO. 341

CRIME VICTIM COMPENSATION

"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 (TRA) the same title a new title

have attached amendments(s)

do pass

do not pass

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individual recommendations

additional referral to the _____ Committee

ADOPTS: _____ letter of Intent

ATTACHES NEW FISCAL NOTE(S): (Dept)

APPROVES PREVIOUS: (Dept/Date)

fiscal impact OPS

fiscal note(s) _____

zero fiscal note _____

zero fiscal note(s) _____

SIGNING <u>DO</u> PASS	DP	OTHER RECOMMENDATIONS	DNP	NR	AM
<i>Richard Joseph</i>	*	<i>Bill Anderson</i>		<input checked="" type="checkbox"/>	
<i>James A. Kutina</i>	*	<i>Kevin A. Leman</i>		<input checked="" type="checkbox"/>	

Richard Joseph
CHAIRMAN'S SIGNATURE

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

