

HB

3411



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 shot was riding in, was then impounded as evidence. The owner was not a party to the incident and was an innocent bystander. However, 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.

For reason of determination, I chose to have the "Violent Crimes Compensation Board" identify which owners are most affected, and thus, to be compensated. This will make sure that people will file fraudulent claims against the enforcing division.

FROM: Rep. Kevin "Pat" Parnell

DATE: January 23, 1992

RE: HOUSE BILL 341 "VEHICLE REIMBURSEMENT"

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Committees: Judiciary, Labor & Commerce, Military & Veterans Affairs
Finance Subcommittee, Administration



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Juneau, AK 99801-1162

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 $[v/el = mc]$.

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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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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.

Supreme court
Escalating evidence

Probable must keep

detidats → 6th amendment right to fair trial

Title 12
Allow police right to photograph
evidence + give back
gambling

procurator office Dept of Law

Unsubd. Com. board

Ord. statute - Title 18

repayment to CCB

Title 12

Sec. 18.67.140 compensation

New (5) - 18.67.140

Nota Caf -

Dept of Law - Criminal Division - Duane

P. Salyer

Municipal Division - Duane 786-8552

Violent Crimes Ex Director Nola
Kapp

(Public Safety)

Violent Crimes Annual Report

MUNICIPALITY OF ANCHORAGE



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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



Anchorage Daily News


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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.