

SB

22

SENATE COMMITTEE REPORT
First Committee of Referral

DATE: 1/21/03

FURTHER: Judiciary

Date of 5-Day Notice: 4/2/03
 (in accordance with Uniform Rule 23)

DATE TURNED IN TO OFFICE: 4/11/03

State Affairs Committee considered SENATE BILL NO. 22

SB 22 CRIME VICTIMS' COMPENSATION:SEXUAL ABUSE/ASSAULT

"An Act limiting the factors that may be considered in making a crime victims' compensation award in cases of sexual assault or sexual abuse of a minor."

and recommends:

- be replaced with _____ CS _____ (_____)
- adopt previous _____ CS _____ (_____)
- attached amendment(s)
- adopt Letter of Intent by _____ Committee
- further referral to _____ Committee

Senate Bill:

- same title
- new title

House Bill:

- same title
- technical title
- new: SCR # _____

NEW FISCAL NOTE(S):

Department	Date	Fiscal	Zero	FN#
DPS	4/10/03	✓		1

PREVIOUS FISCAL NOTE(S):

Department	Date	Fiscal	Zero	FN#

APPROPRIATION - no fiscal note

SIGNATURES AND RECOMMENDATIONS:	Do PASS	Do NOT PASS	No REC	AMEND
<i>[Signature]</i>	✓			
<i>[Signature]</i>	✓			
<i>[Signature]</i>	✓			
CHAIR: <i>[Signature]</i>	✓			

FISCAL NOTE

STATE OF ALASKA
2003 LEGISLATIVE SESSION

Fiscal Note Number: _____
 Bill Version: SB22
 () Publish Date: _____

Revision Date/Time (Note if correction): _____ Dept. Affected: Public Safety
 Title An act limiting the factors that may be considered BRU Violent Crimes Comp. Board
in making a crime victims' compensation award in Component Violent Crimes Comp. Board
 Sponsors Senators Guess
 Requester Senate State Affairs Committee Component No. 163

Expenditures/Revenues (Thousands of Dollars)

Note: Amounts do not include inflation unless otherwise noted below.

OPERATING EXPENDITURES	FY 2004	FY 2005	FY 2006	FY 2007	FY 2008	FY 2009
Personal Services						
Travel						
Contractual						
Supplies						
Equipment						
Land & Structures						
Grants & Claims	*	*	*	*	*	*
Miscellaneous						
TOTAL OPERATING	*	*	*	*	*	*

CAPITAL EXPENDITURES	0.0	0.0	0.0	0.0	0.0	0.0
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CHANGE IN REVENUES ()	0.0	0.0	0.0	0.0	0.0	0.0
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FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF	*	*	*	*	*	*
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (Specify Type--Do not abbreviate)						
TOTAL	*	*	*	*	*	*

Estimate of any current year (FY2003) cost: 0.0

Mark this box (X) if funding for this bill is included in the Governor's FY 2004 budget proposal:

POSITIONS

Full-time						
Part-time						
Temporary						

ANALYSIS: (Attach a separate page if necessary)

*Indeterminate fiscal note

Prepared by: Susan L. Browne
 Division: Violent Crimes Compensation Board
 Approved by: William Tandeske, Commissioner
 Agency: Department of Public Safety

Phone (907) 465-5525
 Date/Time 4/10/03 3:27 PM
 Date 4/10/2003

ALASKA STATE LEGISLATURE



SENATOR GRETCHEN GUESS

Sponsor Statement SB 22

"An act limiting the factors that may be considered in making a crime victims' compensation award in cases of sexual assault or sexual abuse of a minor."

When the state established Victims' Compensation Board over 20 years ago, it ensured the victim's role in the crime would be considered. For example, if someone started a bar brawl and was hurt, their case could be denied by the Victims' Compensation Board.

The unintended consequence of this language was child abuse and sexual assault victims could be denied funding if the board found them to have contributed to the circumstances of the crime. For example, a victim of sexual assault could be denied because they were drinking the night of their sexual assault.

Implying a victim of sexual assault somehow deserved or played a role in being victimized is in direct opposition to what we believe as a community – a victim of child abuse or sexual assault has not done anything to bring the crime on him or herself.

Toward fixing this unintended consequence, the language of this bill does the following.

- Ensures compensation is not denied based on considerations of provocation, the use of alcohol or drugs, or the prior social history of the victim.
- Retains the current language for compensation criteria for all other crimes.

The victim's compensation board is funded 60 percent by state government and 40 percent by federal government. The 60 percent from the state government comes from garnishing felon's permanent fund dividend checks. Given the nature of the funding mechanism, the fiscal note from the Department of Public Safety will be zero.

ALASKA STATE LEGISLATURE



SENATOR GRETCHEN GUESS

Sectional Analysis SB 22

"An act limiting the factors that may be considered in making a crime victims' compensation award in cases of sexual assault or sexual abuse of a minor."

Section 1: Amends AS 18.67.080 (Awarding Compensation) (c) by adding language prohibiting the consideration of provocation, the use of alcohol or drugs, or the prior social history of the victim, in the case of sexual assault or sexual abuse of a minor.

April 10, 2003

Senate State Affairs

In support of SB 22

I can not imagine that this would not pass. If the Violent Crimes Compensation Board is authorized to consider factors of provocation, the use of alcohol or drugs by the victim, or the prior social history of the victim when determining compensation ~~to~~ victims of sexual assault, victims will not file for compensation.

Considering those factors further victimizes the victim. We must stop blaming victims of sexual assault. Sexual assault is already the most unreported crime.

This bill will make it possible for victims of sexual assault to ~~get~~ receive compensation to assist with their healing in a respectful manner.

Please pass this bill.

Grace Brooks
Sitkans Against Family Violence
PO Box 6136
Sitka AK 99835

ALASKA NETWORK ON DOMESTIC VIOLENCE AND SEXUAL ASSAULT

Main Office & Legal Advocacy Project

130 Seward Street, Suite 209

Juneau, Alaska 99801

Phone: (907) 586-3650

Fax (907) 463-4493

www.andvsa.org

Pro Bono Project

P.O. Box 6631

Sitka, Alaska 99835

Phone: (907) 747-7545

Fax: (907) 747-7547

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Senator Gretchen Guess
Room 423, State Capitol
Juneau, Alaska 99811-1182

April 10, 2003

Dear Senator Guess:

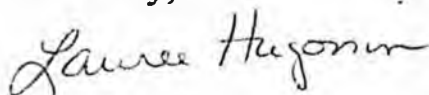
Please accept this letter as one of support for SB22.

We wish the day would have long come and gone when victims of sexual assault were routinely questioned or somehow made to feel guilty because of the clothes they chose to wear, or the fact that they may have had a drink, or that there may be something in their past they wished they had done differently. None of those things cause perpetrators to commit the crime of sexual assault or contribute to the crime. Unfortunately, the violent crimes compensation board still has similar items listed as things to be considered when determining whether or not to grant compensation to victims of sexual assault or sexual abuse of a minor.

It is difficult enough to come forward as a victim of sexual assault and enter the system to try and find some justice. Victims journeys are made more difficult when parts of the system rely on myths to respond to these crimes. Your bill will help stop the practice of victim blaming.

Thank you for your work to increase the availability of justice to victims of sexual assault.

Sincerely,



Lauree Hugonin
Executive Director