

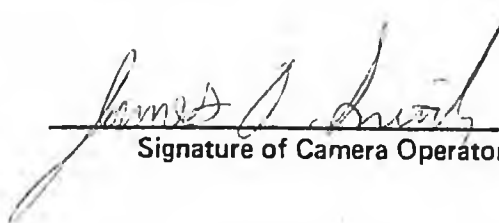
Leg. Finance - House & Senate Finance Comte Files (1975-76) 364  
HB 114, 116




# RECORDS CERTIFICATION



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Signature of Camera Operator

  
Date

COMMITTEE REPORT

3/5/75

HOUSE

Mr. Speaker:

Date March 18, 1975

The Committee on FINANCE has had HR 118

under consideration. A Majority of the members of the Committee

recommends it DO PASS

recommends it DO NOT PASS

recommends it DO PASS WITH ATTACHED AMENDMENT(S)

recommends it BE REPLACED WITH CS FOR HR 114 AND THAT

CS FOR HR 114 DO PASS

"and" recommends it BE REFERRED TO THE \_\_\_\_\_

COMMITTEE

reports it back WITHOUT RECOMMENDATION

"other"

Members signing the Majority report:

<u>[Signature]</u>	<u>[Signature]</u>	_____
<u>[Signature]</u>	<u>[Signature]</u>	_____
<u>[Signature]</u>	_____	_____
<u>[Signature]</u>	_____	_____

Members NOT concurring in the Majority report:

\_\_\_\_\_ recommends:

\_\_\_\_\_ recommends:

\_\_\_\_\_ recommends:

\_\_\_\_\_ recommends:

\_\_\_\_\_ recommends:

[Signature] Chairman

Introduced: 2/3/75  
Referred: Judiciary and  
Finance

1 IN THE HOUSE

BY GRUENING

2 HOUSE BILL NO. 114

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 NINTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act relating to the Violent Crimes Compensation  
7 Board; and providing for an effective date."

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

9 \* Section 1. AS 18.67.010 is amended to read:

10 Sec. 18.67.010. PURPOSE. It is the purpose of this chapter to  
11 facilitate and permit the payment of compensation to innocent persons  
12 injured, [AND] dependents of persons killed, and to certain other  
13 persons who by virtue of their relationship to the victim of a crime  
14 incur actual and reasonable expense as a result of certain serious  
15 crimes or in attempts to prevent the commission of crime or to appre-  
16 hend suspected criminals.

17 \* Sec. 2. AS 18.67.040(a) is amended to read:

18 Sec. 18.67.040. ACTION ON APPLICATION: Hearings. (a) Upon  
19 application made under the provisions of this chapter, the board shall  
20 consider the application and rule on it. The board may, upon its own  
21 motion, order a hearing, specifying the time and place it is to be  
22 held; if a hearing is ordered, the board shall give notice to the  
23 applicant. If, after consideration without a hearing, the decision is  
24 unfavorable to the applicant, in whole or in part, the board shall  
25 furnish him a written statement of the reason for the ruling. If,  
26 within 30 days after receipt of this statement, the applicant requests  
27 a hearing on his application, the board shall specify [FIX] a time  
28 and place for a hearing and shall give notice to the applicant. If  
29 no request for a hearing is made within the specified time, the

1 decision of the board is final.

2 \* Sec. 3. AS 18.67.050 is amended to read:

3       Sec. 18.67.050. ATTORNEY FEES. The board may, as part of an  
4 order entered under this chapter, determine and allow reasonable  
5 attorney fees, which may not exceed 25 [15] per cent of the first  
6 \$1,000 amount awarded as compensation and 15 per cent of the amount  
7 awarded as compensation in excess of \$1,000 under sec. 70 of this  
8 chapter, to be paid [OUT OF BUT NOT] in addition to the amount of the  
9 compensation, to the attorney representing the applicant. It is unlawful  
10 for the attorney to ask for, contract for, charge, demand, collect or  
11 receive a larger sum than the amount allowed by the board in addition  
12 to [IN THE] award. An attorney who violates this section is guilty  
13 of a misdemeanor and, upon conviction, is punishable by a fine of not  
14 less than \$500, or by imprisonment for not more than one year, or by  
15 both, and shall forfeit any fee awarded and shall repay the state the  
16 fee awarded under this section.

17 \* Sec. 4. AS 18.67.080(a)(2) is amended to read:

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

22 \* Sec. 5. AS 18.67.090 is amended to read:

23       Sec. 18.67.090. RECOVERY FROM COLLATERAL SOURCE. (a) Up to the  
24 maximum set in sec. 130(c) of this chapter, the board may award  
25 compensation for losses and expenses allowable under sec. 110 of this  
26 chapter for which the applicant is not compensated by [THE BOARD SHALL  
27 DEDUCT FROM COMPENSATION AWARDED UNDER THIS CHAPTER THE PAYMENTS  
28 RECEIVED FROM] the offender or [FROM] a person on behalf of the  
29 offender, or by [FROM] the United States, a state, or any of its

1 subdivisions or agencies, or a private source or emergency awards  
2 under sec. 120 of this chapter, for injury or death compensable under  
3 this chapter.

4 (b) If compensation is awarded under this chapter and the person  
5 receiving it also receives a collateral sum under (a) of this section  
6 which has not been deducted from it, the board may require that he  
7 refund either the amount of the collateral sum [HE SHALL REFUND TO  
8 THE BOARD THE LESSER OF THE SUMS] or the amount of compensation paid  
9 to him under this chapter, whichever is less.

10 \* Sec. 6. AS 18.67.110(2) is amended to read:

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

15 \* Sec. 7. AS 18.67.120(1) is amended to read:

16 (1) the amount of the emergency compensation may not exceed  
17 \$1,500 [\$500];

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

19 (b) No compensation may be awarded if the victim

20 (1) is a relative of the offender;

21 (2) is, at the time of the personal injury or at the time  
22 of the injury which results in the death of the victim living with the  
23 offender as a member of the same [HIS] family or household, or main-  
24 taining a sexual relationship, whether illicit or not, with the  
25 offender [PERSON] or with a member of the offender's [HIS] family;

26 (3) violated a penal law of the state, which violation  
27 caused or contributed to his injuries or death; or

28 (4) is injured as a result of the operation of a motor  
29 vehicle, boat or airplane unless the vehicle was used as a weapon in

1 a deliberate attempt to injure or kill [RUN] the victim [DOWN].

2 \* Sec. 9. AS 18.67.130(c) is amended to read:

3 (c) No compensation may be awarded under this chapter in an  
4 amount in excess of \$25,000 per applicant per incident. However, in  
5 the case of the death of a victim who has more than one dependent  
6 applying for compensation, the total compensation which may be awarded  
7 as a result of that death may not exceed the sum of the maximum award  
8 of \$25,000 for one dependent plus \$5,000 for each additional dependent,  
9 and the board shall prorate the total awarded among those dependents  
10 according to relative need. All [\$10,000 AND ALL] payments shall be  
11 made in a lump sum.

12 \* Sec. 10. AS 18.67 is amended by adding a new section to read:

13 Sec. 18.67.175. DUTY TO DISPLAY INFORMATION. (a) Every  
14 hospital licensed by this state shall display prominently in its  
15 emergency room posters notifying the public of the existence and  
16 general provisions of this chapter. The board shall set standards  
17 for the location of this display and shall provide posters, applica-  
18 tion forms and general information regarding th. provisions of this  
19 chapter to each hospital and to each physician licensed to practice  
20 medicine in the state.

21 (b) Every law enforcement agency in the state shall inform  
22 victims of violent crimes, or their surviving dependents, of the  
23 provisions of this chapter and shall provide application forms to the  
24 victims, or their dependents, who desire to seek compensation under  
25 this chapter. The board shall provide application forms, all other  
26 documents and general information which law enforcement agencies may  
27 require to comply with this subsection. The board shall set standards  
28 to be followed by law enforcement agencies for this purpose and may  
29 require them to file with the board a description of the procedures

1           adopted by each agency to comply.

2           \* Sec. 11. This Act takes effect immediately in accordance with AS 01.10.

3 070(c).

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Original sponsor: Gruening

Offered: 3/5/75  
Referred: Finance

1 IN THE HOUSE

BY THE JUDICIARY COMMITTEE

2 CS FOR HOUSE BILL NO. 114

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 NINTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act relating to the Violent Crimes Compensation  
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13 persons who by virtue of their relationship to the victim of a crime  
14 incur actual and reasonable expense as a result of certain serious  
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22 held; if a hearing is ordered, the board shall give notice to the  
23 applicant. If, after consideration without a hearing, the decision is  
24 unfavorable to the applicant, in whole or in part, the board shall  
25 furnish him a written statement of the reason for the ruling. If,  
26 within 30 days after receipt of this statement, the applicant requests  
27 a hearing on his application, the board shall specify [FIX] a time  
28 and place for a hearing and shall give notice to the applicant. If  
29 no request for a hearing is made within the specified time, the

1 decision of the board is final.

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6 a result of the injury or death; or

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10 compensation for losses and expenses allowable under sec. 110 of this  
11 chapter for which the applicant is not compensated by [THE BOARD SHALL  
12 DEDUCT FROM COMPENSATION AWARDED UNDER THIS CHAPTER THE PAYMENTS  
13 RECEIVED FROM] the offender or [FROM] a person on behalf of the offender,  
14 or by [FROM] the United States, a state, or any of its subdivisions or  
15 agencies, or a private source or emergency awards under sec. 120 of this  
16 chapter, for injury or death compensable under this chapter.

17 (b) If compensation is awarded under this chapter and the person  
18 receiving it also receives a collateral sum under (a) of this section  
19 which has not been deducted from it, the board may require that he  
20 refund either the amount of the collateral sum [HE SHALL REFUND TO THE  
21 BOARD THE LESSER OF THE SUMS] or the amount of compensation paid to him  
22 under this chapter, whichever is less.

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4                    (1) is a relative of the offender;

5                    (2) is, at the time of the personal injury or at the time  
6 of the injury which results in the death of the victim living with the  
7 offender as a member of the same [HIS] family or household, or main-  
8 taining a sexual relationship, whether illicit or not, with the offender  
9 [PERSON] or with a member of the offender's [HIS] family;

10                    (3) violated a penal law of the state, which violation caused  
11 or contributed to his injuries or death; or

12                    (4) is injured as a result of the operation of a motor  
13 vehicle, boat or airplane unless the vehicle was used as a weapon in  
14 a deliberate attempt to injure or kill [RUN] the victim [DOWN].

15 \* Sec. 8. AS 18.67.130(c) is amended to read:

16            (c) No compensation may be awarded under this chapter in an amount  
17 in excess of \$10,000 per victim per incident. However, in the case of  
18 the death of a victim who has more than one dependent applying for com-  
19 ensation, the total compensation which may be awarded as a result of  
20 that death may not exceed the sum of the maximum award of \$10,000 for  
21 one dependent plus \$2,500 for each additional dependent to \$10,000  
22 maximum for additional dependents, and the board shall prorate the total  
23 awarded among those dependents according to relative need. In no circum-  
24 stances shall the total to the dependents of a deceased victim exceed  
25 \$20,000. All [AND ALL] payments shall be made in a lump sum.

26 \* Sec. 9. AS 18.67 is amended by adding a new section to read:

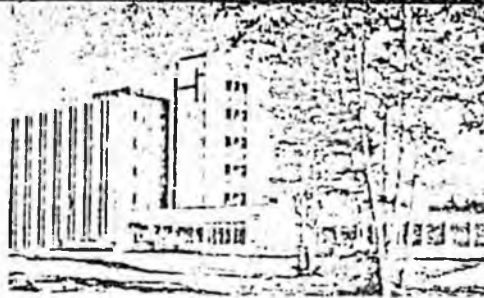
27            Sec. 18.67.175. DUTY TO DISPLAY INFORMATION. Every law enforcement  
28 agency in the state shall inform victims of violent crimes, or their  
29 surviving dependents, of the provisions of this chapter and shall pro-

1       vide application forms to the victims, or their dependents, who desire  
2       to seek compensation under this chapter. The board shall provide  
3       application forms, all other documents and general information which law  
4       enforcement agencies may require to comply with this subsection.

5       \* Sec. 10. This Act takes effect immediately in accordance with AS 01.10.-  
6       070(c).

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# PROVIDENCE HOSPITAL



3200 Providence Drive  
Anchorage, Alaska 99504

277-6671

February 27, 1975

Representative Terry Gardiner  
Chairman, House Judiciary Committee  
Pouch V  
Juneau, Alaska 99811

Dear Representative Gardiner:

Recently I reviewed the proposed House Bill 114 relating to Violent Crimes Compensation and generally agree and support the intent of the bill as it has been presented with your amendments, however, the following changes additionally should also be considered before pressing the bill for passage.

Section 050 - Attorney Fees: I am in agreement with HB 114, however feel strongly that a CEILING BE PLACED ON ATTORNEY FEES - NOT TO EXCEED \$6,000 regardless of the size of settlement over \$25,000. or PLACE A CEILING ON THE TOTAL MAXIMUM AWARD (NOT TO EXCEED \$40,000) regardless of the number of dependents.

Section 090 - Recovery from Collateral Source - your section is good.

Section 120 - Emergency Compensation - Advocate adoption as amended in HB 114.

Section 130 - Limitations on awarding compensation. Max. award of \$25,000 per incident (adopt). However, in the case of a deceased victim - I would prefer to see the first dependent receive the \$25,000 - and \$3,000 for each additional ~~with~~ not to exceed a total award of \$40,000. dependent

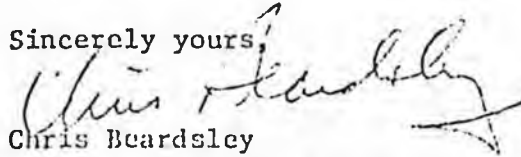
Payment of above awards should be in a lump sum or in periodic payments depending on the claimants circumstances and/or at the discretion of the board.

Section 175 - Duty to Display Information - I support the adoption of this section with the following additions. 1. Display of information should also include the main entrance and business office of the hospital. 2 Brochures, giving general information on the provisions of this chapter and on where the family can get application forms, should be available and in the offices of Social Service workers and the Patient Care Coordinator if the hospital has one.

Section 020 - add - at least one member of the board should be a licensed attorney - licensed to practice in Alaska.

Thank you for your consideration.

Sincerely yours,

  
Mr. Chris Beardsley  
Director of Public Relations

# PROVIDENCE HOSPITAL



3200 Providence Drive  
Anchorage, Alaska 99504

277-6671

February 26, 1975

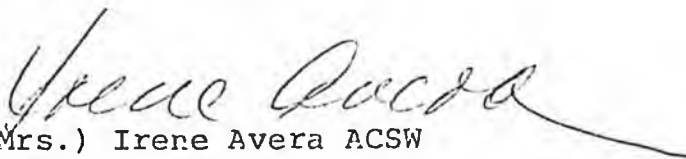
Representative Terry Gardiner, Chairman  
House Judiciary Committee  
Pouch V  
Juneau, Alaska 99811

Dear Representative Gardiner:

As director of Social Service at Providence Hospital I occasionally have an opportunity to inform patients about the provision of the Violent Crimes Compensation law. In its present state the law has so many flaws, that it is frequently ineffective. The liberalization of this law as proposed in the up-coming House Bill #114 would serve to render it more useful and effective.

While I have no personal or pecuniary interest in the law, I have observed its effect on a number of patients here at Providence Hospital who had occasion to apply and am convinced the law needs revamping and liberalization. I could cite case after case in which patients were found ineligible, because they had third party coverage (insurance) or their medical bills exceeded the prescribed maximum. In reading the provisions of Bill #114 these shortcomings would be eliminated, and as a disinterested party I urge you to vote for its enactment.

Sincerely yours,

  
(Mrs.) Irene Avera ACSW  
Director, Social Service

IA/mcc

785-6425

LAW OFFICES OF  
ALASKA LEGAL SERVICES CORPORATION  
510 2ND AVENUE, SUITE 230  
FAIRBANKS, ALASKA 99701  
TELEPHONE 456-5401

February 26, 1975

Don Clocksin  
Deputy Director  
Alaska Legal Services Corporation  
315 Fifth, #8  
Juneau, Alaska 99801

Re: Violent Crimes Compensation Board bills  
SB 23 and HB 114

Dear Don:

Both SB 23 and HB 114 seem pretty good to me. But of the two I definitely favor SB 23. This is primarily because SB 23 in Section 90 prohibits the Board from deducting from an award any compensation received from a collateral source (except for a prior emergency award made by the Board). Unless collateral sources are eliminated from consideration, a person who must receive welfare as a result of a crime is denied the award to which he or she would otherwise be entitled from the Board. This point was dramatically illustrated in one of my cases: A mother with a minor child was murdered. There was no husband. The child's grandparents took the child in and applied for and received AFDC for the child. When the Violent Crimes Compensation Board claim was processed, the Board reasoned that the child was being benefitted by the AFDC payments and hence these payments had to be considered an award of compensation from a collateral source. The Board therefore felt constrained to deduct the AFDC payments from any award it made. I think the unfairness of this practice with regard to poor persons is readily apparent: If the crime causes a person to go on welfare, then the amount of welfare received is deducted from any award that is made. But if a person is financially well enough off not to go on welfare, then he or she may receive the full award. I believe that this practice is in conflict with the purpose of the Violent Crimes Compensation Board Act, which is to compensate

Don Clocksin  
February 26, 1975  
Page -2-

innocent persons for injuries they receive as the result of a crime. Being forced to receive welfare hardly seems to be the sort of "benefit" intended by the Act. Therefore, it should not be included as a collateral source.

Very sincerely,

E. John Athens, Jr.  
Attorney at Law

EJA/jg

cc: Senator Robert H. Ziegler, Chairman  
Senate Judiciary Committee

Representative Terry Gardiner, Chairman  
House Judiciary Committee

The Legislature of the State of Alaska  
FISCAL NOTE

First Session - Ninth Legislature

*Revised  
NOTE*

I. REQUEST

Bill No. House Finance Committee Substitute for HB114  
 Title: An Act relating to the Violent Crimes Compensation Board  
 Requested by: Chairman, House Finance Committee Date: 3/18/75  
 Return Date Requested: 3/19/75  
 Agency: Health & Social Services Program: Violent Crimes Compensation Board

II. FISCAL DETAIL

Budget Request Unit(s) Affected: 06-67-5-04

A. EXPENDITURES: (Thousands of dollars)

OBJECT	FY 75	FY 76	FY 77	FY 78	FY 79	FY 80
100 PERSONAL SERVICES						
200 TRAVEL						
300 CONTRACTUAL						
400 COMMODITIES						
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS, ETC.		70.0	90.0	110.0	130.0	160.0
TOTAL		70.0	90.0	110.0	130.0	160.0

B. FUNDING: (Thousands of dollars)

GENERAL FUND		70.0	90.0	110.0	130.0	160.0
FEDERAL FUNDS						
OTHER						

C. POSITIONS:

PERMANENT/TEMPORARY	/	/	/	/	/	/	1
MAN MONTHS (P./T.)	/	/	/	/	/	/	6

III. ANALYSIS (See Fiscal Note Preparation Instructions, Section III)

Awards to Claimants will need increased funding to:

- 1) provide for the increase in maximum award from \$10,000 to 25,000
- 2) provide for additional dependent coverage to \$10,000
- 3) provide for the removal of the restriction on other collateral source receipts allowing payment for actual expenditures above such receipts.
- 4) provide for the anticipated increase in numbers of claims

Above fiscal data is an assumption based on the philosophy and policy of former boards and based on FY74 claims awarded and projected under the new legislation.

IV. ATTACHMENTS

- 1) Comparison list of FY74 actual awards projected under both the Judiciary Substitute and the finance Substitute For HB 114

V. DATE: 3/19/75

PREPARED BY: *Arthur M. Dean*  
*Administrator*

Original: Legislative Finance  
 cc: Budget and Management  
 Prime Sponsor (First Legislator Named)

POSITION PAPER  
ON  
FINANCE COMMITTEE SUBSTITUTE FOR HOUSE BILL 114

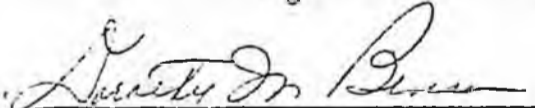
For an Act entitled: "An Act relating to the Violent Crimes Compensation Board; and providing an effective date."

Finance Committee Substitute for House Bill 114 provides for:

1. An increase in the maximum award for an injury or death of a victim from \$10,000 to \$25,000
2. An increase in the maximum award to multiple dependents of a deceased victim from \$10,000 to \$25,000 plus \$10,000
3. An increase in the Emergency Award from \$500 to \$1,500
4. Elimination of the rigid requirement of holding a hearing on every application received
5. Payment of funeral and related expenses to persons who were responsible for the maintenance of a deceased victim
6. Elimination of the "other collateral source receipt" restriction to allow for payment of expenses actually and reasonably incurred over insurance and other benefits received
7. Requirement of law enforcement agencies to inform the victim of the availability of violent crimes compensation
8. Clarification of the verbiage of the original statute

This substitute for HB114 is in accord with the amendment which the Board attempted to have legislated last year to allow them greater latitude in awarding compensation to innocent victims. Additionally this bill increases the maximum basic award from \$10,000 to \$25,000 which will assure a needy victim of greater financial aid. The requirement of having every law enforcement agency in the state inform victims of violent crimes or their dependents of the provisions of this chapter will further insure that these people are aware of this program. Although this bill will require additional funding, it is felt that the broadened scope of aid to innocent victims of this state will provide a more viable program of compensation and the Board respectfully recommends the adoption of this legislation.

Committee Substitute HB114 as proposed by the House Finance Committee is approved as written. The Department hereby recommends the changes but is not in a position to recommend that the Governor's budget be exceeded and therefore addresses itself only to the impact of this legislation on its effect in aiding innocent victims of violent crimes.

  
\_\_\_\_\_  
Dorothy M. Benson, Administrator  
Violent Crimes Compensation Board

3/9/75  
\_\_\_\_\_  
Date

\_\_\_\_\_  
Francis S. L. Williamson, Commissioner  
Dept. of Health and Social Services

\_\_\_\_\_  
Date

Victims

FY74  
EXP23

Award  
Under  
Jud. CS  
HB114

Award  
Under  
Fin. CS  
PB 114

74-035	-0-	-0-	-0-
74-036	\$3,000	5,528	\$ 6,170
74-007	3,000	5,880	9,280
74-008	3,000	5,220	8,010
74-009	500	1,176	2,058
74-010	500	2,352	2,582
74-011	1,140	5,560	10,560
74-013	1,178	1,410	1,410
74-021	2,000	2,000	2,000
74-022	-0-	-0-	-0-
74-022 (a)	2,500	1,395	1,395
74-022 (b)	2,000	3,255	5,255
74-022 (c)	2,000	4,185	4,185
74-022 (d)	2,000	4,650	4,650
74-022 (e)	1,500	6,510	6,510
74-023	10,000	10,000	25,000
74-023 (a)	-0-	2,500	2,500
74-023 (b)	-0-	2,500	2,500
74-023 (c)	-0-	2,500	2,500
74-024	260.42	260.42	260.42
74-025	5,760	7,760	7,760
74-026	-0-	10,000	25,000
74-029	6,950	6,950	21,950
74-030	-0-	8,000	8,000
74-031	651.35	651.35	651.35
74-033	669.83	669.83	669.83
74-038	500.00	500.00	500.00
74-040	7,401.78	7,401.78	7,401.78
74-047	3,816.99	3,816.99	3,816.99

Totals

\$60,328.37

\$110,631.37

\$170,575.37

The Legislature of the State of Alaska  
FISCAL NOTE

First Session - Ninth Legislature

I. REQUEST

Bill No. Committee Substitute for House Bill 114  
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 Requested by: \_\_\_\_\_ Date: 3/18/75  
 Return Date Requested: \_\_\_\_\_  
 Agency: Health & Social Services Program: Violent Crimes Compensation

II. FISCAL DETAIL

Budget Request Unit(s) Affected: 06-67-5-04

A. EXPENDITURES: (Thousands of dollars)

OBJECT	FY 75	FY 76	FY 77	FY 78	FY 79	FY 80
100 PERSONAL SERVICES						
200 TRAVEL						
300 CONTRACTUAL						
400 COMMODITIES						
500 EQUIPMENT						
600 LAND & STRUCTURES		30.0	50.0	70.0	90.0	120.0
700 GRANTS, CLAIMS, ETC.						
TOTAL		30.0	50.0	70.0	90.0	120.0

B. FUNDING: (Thousands of dollars)

GENERAL FUND		30.0	50.0	70.0	90.0	120.0
FEDERAL FUNDS						
OTHER						

C. POSITIONS:

PERMANENT/TEMPORARY	/	/	/	/	/	/	1
MAN MONTHS (P./T.)	/	/	/	/	/	/	6

III. ANALYSIS (See Fiscal Note Preparation Instructions, Section III)

Awards to Claimants will need increased funding to:

- 1) provide for the increase in awards to dependents of deceased victims
- 2) Removal of the restrictions on deduction of other collateral receipts which will allow the payment of out of pocket expenses and loss of earnings
- 3) Take care of the automatic increase in the number of claims received as indicated by the projections of crime statistics on the National scope and based on the inevitable growth of our state

IV. ATTACHMENTS

- 1) Comparison list of the 1974 awards projected to reflect these awards under the CSHB114
- 2) Copies of news articles with regard to violent crimes and projections

V. DATE: March 18, 1975

PREPARED BY: *Sandy M. [Signature]*

Original: Legislative Finance  
 cc: Budget and Management  
 Prime Sponsor (First Legislator Named)

Victim	Were Awarded	Award Under CS for HB114
74-005	-0-	-0-
74-006	\$ 3,000.00	\$ 3,528.00
74-007	3,000.00	5,880.00
74-008	3,000.00	5,220.00
74-009	500.00	1,176.00
74-010	500.00	2,352.00
74-011	1,140.00	5,560.00
74-018	1,178.00	1,410.00
74-021	2,000.00	2,000.00
74-022	-0-	-0-
74-022 (a)	2,500.00	1,395.00
74-022 (b)	2,000.00	3,255.00
74-022 (c)	2,000.00	4,185.00
74-022 (d)	2,000.00	4,650.00
74-022 (e)	1,500.00	6,510.00
74-023	10,000.00	10,000.00
74-023 (a)	-0-	2,500.00
74-023 (b)	-0-	2,500.00
74-023 (c)	-0-	2,500.00
74-024	260.42	260.42
74-025	5,760.00	7,760.00
74-026	-0-	10,000.00
74-029	6,950.00	6,950.00
74-030	-0-	8,000.00
74-031	651.35	651.35
74-033	669.83	669.83
74-038	500.00	500.00
74-040	7,401.78	7,401.78
74-047	3,816.99	3,816.99
Totals	\$60,328.37	\$110,631.37

The Legislature of the State of Alaska  
FISCAL NOTE

REVISED

First Session - Ninth Legislature

I. REQUEST

Bill No. House Bill 114 as originally proposed by Representative Gruening

Title: An Act Relating to the Violent Crimes Compensation Board

Requested by: \_\_\_\_\_ Date: 2/26/75

Return Date Requested: \_\_\_\_\_

Agency: Health & Social Services Program: Violent Crimes Compensation

II. FISCAL DETAIL- Revised original submittal dated 2/13/75 which reflected total budget  
Budget Request Unit(s) Affected: 06-67-5-04

A. EXPENDITURES: (Thousands of dollars)

OBJECT	FY 75	FY 76	FY 77	FY 78	FY 79	FY 80
100 PERSONAL SERVICES						
200 TRAVEL		2.0	3.0	3.0	3.0	3.0
300 CONTRACTUAL		25.0	32.0	35.0	38.0	40.0
400 COMMODITIES						
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS, ETC.		100.0	175.0	225.0	250.0	300.0
TOTAL		127.0	210.0	263.0	291.0	343.0

B. FUNDING: (Thousands of dollars)

GENERAL FUND		127.0	210.0	263.0	291.0	343.0
FEDERAL FUNDS						
OTHER						

C. POSITIONS:

PERMANENT/TEMPORARY	2/	2/	2/	2/	2/1	2/1
MAN MONTHS (P./T.)	24/	24/	24/	24/	24/6	24/6

III. ANALYSIS (See Fiscal Note Preparation Instructions, Section III)

Under House Bill 114 as proposed by Representative Gruening, the fiscal impact would be reflected in:

1. the contractual service area to provide payments to claimant's attorneys over and above the award granted on the basis of 25% of the first \$1,000 of the award and 15% of the award over \$1,000.
2. the increase in the number of claims received, the increased award maximums and additional coverage for dependents.

(continued)

IV. ATTACHMENTS

List of awards made in FY74 with projections under this proposed legislation.

V. DATE: 2/26/75

PREPARED BY: Lorahy M. Benam  
adm.

Original: Legislative Finance  
cc: Budget and Management  
Prime Sponsor (First Legislator Named)

ANALYSIS (continued)

The figures noted above for fiscal years were arrived through:

1. projection of present awards and assumption that future Boards would maintain the same policy as prior Boards using new maximum and additional dependents of deceased victims coverage.
2. addition of 25% and 15% attorney fees as specified in HB 114; based on awards granted and projected awards wherein claimants used attorney services. The number of claims being presented by attorneys will increase as it will not be a cost to the claimant.
3. the added compensation for deceased dependents does not significantly increase awards as this type of claim is limited in numbers ( only one has been reported) and only medical and reasonable burial expenses are compensated.
4. allowing for the restriction of other collateral sources being eased to award for out of pocket expenses.
5. although the hearing requirement on all applications received is modified the requirement of all agencies having applications available would increase the number of questionable claims received and would therefore require more claims to come before a hearing, increasing the amounts needed in travel, and contractual services.

Victim	Were Awarded	Award Under HB 114	Attorney Fees Paid and Included in Claims Awarded	Attorney Fees to be added to Claims Under HB 114
74-005	-0-	-0-		
74-006	\$ 3,000.00	\$10,063.00	\$ 1,500.00	\$ 4,326.00
74-007	3,000.00	8,554.00		
74-008	3,000.00	5,545.00		
74-009	500.00	2,689.00		
74-010	500.00	1,323.00		
74-011	1,140.00	16,013.00		
74-018	1,178.00	1,178.00	176.70	276.70
74-021	2,000.00	2,000.00	300.00	400.00
74-022(a)	2,500.00	6,423.00		
74-022(b)	2,000.00	4,014.00		
74-022(c)	2,000.00	3,669.00		
74-022(d)	2,000.00	2,455.00		
74-022(e)	1,500.00	1,500.00		
74-023	10,000.00	25,000.00		
74-023(a)	-0-	2,357.00		
74-023(b)	-0-	928.00		
74-023(c)	-0-	490.00		
74-024	260.42	260.42		
74-025	5,760.00	7,760.00		
74-026	-0-	25,000.00		
74-029	6,950.00	21,950.00		
74-030	-0-	8,000.00		
74-031	651.35	651.35		
74-033	669.83	669.83		
74-038	500.00	500.00	75.00	125.00
74-040	7,401.78	7,401.78	1,110.26	1,210.27
74-047	3,816.99	3,816.99	572.55	672.55
TOTALS	\$60,328.37	\$170,211.37	\$3,734.51	\$7,010.52

# FBI Says Crime Rate Rises Here

Saturday, September 7, 1974 Anchorage Daily Times 3

By GLENN RITT

Times Washington Bureau  
**WASHINGTON** - Paced by a dramatic leap in forcible rapes, violent crime in Anchorage rose nearly 16 per cent from 1972 to 1973, FBI figures released yesterday show.

And, in the same period the number of offenses against property rose about 8 per cent, the figures reveal.

Nationwide, the number of violent crimes increased 4.9 per cent from 1972 to 1973, and property crimes rose by a 5.3 per cent rate, figures show.

These figures from the FBI's uniform crime reports for 1973 amounted to a "discouraging upswing," Attorney General William B. Saxbe said. He said 1974 would prove no better, but predicted a decline in 1975 nationwide.

Anchorage's crime rate is bound to increase due to intense new population pressures created by the construction of the trans-Alaska pipeline.

The number of reported cases of forcible rape in the Anchorage metropolitan area increased from 30 in 1972 to 55 last year, the FBI statistics show.

Murders, however, dropped from nine to six; and manslaughter with negligence cases went from seven in 1972 to none last year.

Robberies reported last year were up by 15 over 1972 - 113 compared with 99 cases. Aggravated assault cases, meanwhile, rose from 131 in 1972 to 147 in 1973.

Property crimes, including burglary, larceny and auto theft, rose 8 per cent from 1972 to 1973.

Rate Rises

The FBI also reported that the number of violent crimes in Anchorage rose 15.7 per cent from 1972 to 1973.

For the nation as a whole, the number of violent crimes rose 4.9 per cent from 1972 to 1973, and property crimes rose 5.3 per cent.

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# Biggest crime increases occurred in small cities

KTN  
12/23/74

WASHINGTON (AP) — New FBI figures show that the national crime rate rose 16 per cent in the first nine months of 1974, the largest increase for the period in six years.

The crime rate in smaller cities showed the largest increase.

The figures released today reflect an 8 per cent increase in the violent crimes of murder, rape, robbery and assault. The property crimes of burglary, larceny and vehicle theft jumped 17 per cent.

The new report, based on statistics supplied by local and state law enforcement agencies across the country, indicated that the upward surge that be-

gan in the last three months of 1973 has continued.

Crime rose only 1 per cent during the same period a year ago.

In keeping with the recent pattern, the new report showed that the largest increase for

any of the seven crime categories measured by the FBI was 29 per cent for larceny. Murder had the lowest rate of increase, rising 2 per cent. No category reflected a decline.

Broken down by population, cities of more than 1 million

showed the smallest increase, 8 per cent. Cities of less than 10,000 reported the largest overall increase, 24 per cent.

There was a slight decrease in the murder rate in the largest cities and in some medium-sized cities.

By region, crime increased 20

per cent in the South, 15 per cent in North Central states, 14 per cent in Western states and 13 per cent in the Northeast.

Taken together, cities of more than 25,000 reported a 14 per cent increase. In suburbs, crime was up 21 per cent and in rural areas, 20 per cent.

Dec. 12, 1974

# Murder rate may level in 1980s

By JOHN STOWELL,

Associated Press Writer

WASHINGTON (AP) — The record-setting U.S. murder rate is not likely to decline until the 1990s when post World War II babies have matured, a new

government report said today.

The National Center for Health Statistics, an arm of the U.S. Department of Health, Education and Welfare, based that prediction on homicide statistical trends dating back to

the 19th century and on the statistical fact that persons between 15 and 29 years old are more likely to be assailants or victims than any other age group.

Statistical expert A. Joan Klebba said an estimated 20,519 persons were murdered last year in the United States, a rate of 9.8 deaths per 100,000 population. The previous record was 9.7 murders per 100,000 in 1933 during the depths of the Great Depression.

The Klebba study disclosed that 40 per cent of the 1972 murder victims and 60 per cent of those arrested for homicide were aged 15 to 29 years, representing in part the "population bulge" of persons born between World War II and the Korean War.

"If the age group 15-29 continues to account for such a high percentage of the victims and those arrested, a downturn in the homicide rate cannot be

expected until the 1990s, when the largest birth cohorts of the 1940s and 1950s will have reached 30 years of age or more," it said.

A cohort is a group of individuals having a statistical factor in common in a demographic study, such as year of birth.

The report said that the U.S. murder rate rose from 1900 to a 1933 peak, declined through the 1940s and 1950s, then began an upward trend in 1960 when the

rate was 4.7 homicides per 100,000 population.

The study found that homicide rates were four times higher for men than for women, and 11 times higher for blacks than for whites.

Firearms and explosives, but mostly firearms, were the weapons in 98 per cent of the 1972 murders. The report said 1971 was the first time that guns and bombs were used more often in murders than in suicides.



DEPARTMENT OF HEALTH AND SOCIAL SERVICES

STATE OF ALASKA

VIOLENT  
CRIMES  
COMPENSATION  
BOARD

FIRST  
ANNUAL  
REPORT  
Supplement

1974

STATE OF ALASKA  
VIOLENT CRIMES COMPENSATION BOARD

*SUPPLEMENT TO*

**FIRST ANNUAL REPORT**

**1974**



Earl O'Bryan  
*Chairman*

Lloyd I. Hoppner  
*Member*

Dr. C. Earl Albrecht  
*Member*

Dorothy M. Benson  
*Administrator*

Claim No. 74-049

Lane, Male, Claimant. Application being filed on an incident wherein Claimant was shot. Claimant still in hospital and unable to write. Documentation and information pending.

Claim No. 74-050

Wade, Male, Claimant. Was assaulted and as a result incurred medical expenses for which he is requesting reimbursement. Information and documentation pending.

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STATE OF ALASKA  
DEPARTMENT OF HEALTH AND SOCIAL SERVICES  
VIOLENT CRIMES COMPENSATION BOARD  
POUCH H

Juneau, Alaska 99801

The HONORABLE WILLIAM A. EGAN  
GOVERNOR OF THE STATE OF ALASKA

MEMBERS OF THE ALASKA STATE LEGISLATURE

*Ladies and Gentlemen:*

*I have the honor to submit a supplement to the First Report of the Violent Crimes Compensation Board for the period January 1, 1973 through June 30, 1974, placing future annual reports on a fiscal basis. Annual reports are required under the provisions of Section 18.67.170 of the Laws of Alaska.*

Respectfully,



Earl O'Bryan  
Chairman

BOARD MEMBERS:

Earl H. O'Bryan, *Chairman*  
C. Earl Albrecht, M.D.  
Lloyd I. Hoppner  
Dorothy Benson, *Administrator*

Claim No. 74-043

Hendrickson, Male, Claimant. Applying for reimbursement of expenditures involved in the shooting of his daughter who resided with him. Information and documentation pending.

Claim No. 74-044

Sumpter, Female, Dependent. Application being filed by friend of the family due to the death of the mother who along with other members of the family were brutally killed. Pending information, documentation and guardianship.

Claim No. 74-045

Moto, C. Application to be completed. Information and documentation requested.

Claim No. 74-046

Moto, J. Application to be completed. Information and documentation requested.

Claim No. 74-047

Abraham, Female, Claimant. Assaulted and stabbed. Offender apprehended. Information and documentation pending.

Claim No. 74-048

Norton, Male, age 28, Claimant. On entering his brother's vacant house which he was caring for he was attacked and lost his left eye. Applicant is carpenter's helper and feels therefore that his employment will be limited and is asking for a maximum award. Information and documentation pending.

Claim No. 74-038

Nigon, Female, age 34, Claimant. Attacked and assaulted while on duty as nurse in the Public Health Hospital. Sustained massive lacerations which will leave permanent scars on her face and arms. Pending further documentation and information.

Claim No. 74-039

Frascati, Male, Claimant. Application being filed on an incident involving the burglary of his place of business and sustaining a pistol whipping which resulted in emergency hospital expenses. Information and documentation pending.

Claim No. 74-040

Stewart, Male, Claimant. Application being filed for injuries sustained from an incident in which he was stabbed. Offender has been apprehended. Information and documentation pending.

Claim No. 74-041

Clavenger, Male, Claimant. Application being filed wherein the Claimant attempted to prevent the stealing of a park service boat and was beaten by a group of thugs. Suffered extensive injuries and incurred hospital and medical expenses. Information and documentation pending.

Claim No. 74-042

Thompson, Male, Claimant. Application being filed on injuries received in an occurrence in a bar where he was assaulted and lost his left eye. Claims no provocation involved. Information and documentation pending.

Supplement to

First Annual Report

of the

Violent Crimes Compensation Board

*The Violent Crimes Compensation Board was established in 1972 to provide for the payment of compensation to innocent persons injured and to dependents of persons killed as a result of certain serious crimes or in attempts to prevent the commission of crime or to apprehend suspected criminals.*

ADMINISTRATIVE BACKGROUND

The Violent Crimes Compensation Board in an attempt to provide interested people with a sketch of its operations during its formative stage developed an annual report based on the calendar year, January 1, 1973 through December 31, 1973 which was referred to as the First Annual Report of the Violent Crimes Compensation Board. It is, therefore, the Board's intention to place the annual reports on a fiscal year basis and with that goal in mind is submitting this Supplemental to the First

Annual Report covering the period of fifteen months, from March 1, 1973 (when the program was activated) through June 30, 1974. All statistical information will be separated as to applicable segments incorporating the figures in the original report and extending them through June 30, 1974.

The Alaska Violent Crimes Compensation Board was established July 1, 1972 to provide compensation to innocent victims of violent crimes. The reason which prompted the adoption of this legislation is clearly stated in the House Journal for February 21, 1972 on page 345 which states "one of the most fundamental functions of a government is the protection of its citizens; therefore, when the various statutory deterrents, law enforcement activities, and the conditions of the society fail to provide this protection, it is only reasonable that the government compensate the victim for that failure."

The Board consists of three members who are compensated on a per diem basis for board meetings only. The original Board, appointed by Governor Egan in December of 1972, was composed of Mr. Earl O'Bryan, Chairman of Ketchikan, Dr. E. L. Lindig of Fairbanks and Mr. Peter Kalamarides of Anchorage. In March of 1973, Mr. Kalamarides was appointed to the Superior Court and tendered his services to the Board on April 16, 1973. Governor Egan appointed Mr. Wendall Kay of Anchorage to serve the unexpired term of Mr. Kalamarides. On December 31, 1973, Mr. Kay and Dr. Lindig resigned due to ill health. As of March 1974, we had a full complement of board members as follows:

Earl O'Bryan, Chairman	Ketchikan
Dr. C. Earl Albrecht	Anchorage
Mr. Lloyd I. Hoppner	Fairbanks

The Administrator for the Board is Dorothy Benson who was appointed March, 1973 and is assisted by Charla Burkhardt.

Claim No. 74-031

Wertz, Male, age 51, Claimant. Claimant stabbed in his hand by the man who was spending the night with him. Veteran's Administration is assuming the medical expenses and Claimant is asking for reimbursement for loss of wages. Hearing scheduled.

Claim No. 74-033

Senengetuk, Female, age 28, Claimant. Assaulted and raped by a person breaking into her apartment. Claiming for medical expenses and loss of wages. Hearing scheduled.

Claim No. 74-034

Wacek, Male, age 38, Claimant. Claims he was assaulted by an unknown person after he left a bar in the early morning hours. Police and ambulance report on pickup reflects extreme intoxication. Hearing scheduled.

Claim No. 74-035

Hallett, Male, age unknown, Claimant. Application being filed for medical expenses relative to the heinous assault of their nine year old daughter who suffered a mental collapse due to the incident. Further information and documentation necessary.

Claim No. 74-036

Hoggard, Female, Claimant. Widow of police officer who was killed in the line of duty. Information and documentation pending.

Claim No. 74-037

Graika, Male, Claimant. Victim of a stabbing. Information and documentation being processed by the Alaska Native Hospital.

Claim No. 74-025

Clark, Male, age 31, Claimant. Sustained an injury resulting from a shooting incident at a friend's home. Claimant is asking for reimbursement of hospital and medical expenses that were not covered by insurance. Pending trial of the offender.

Claim No. 74-027

Lea, Male, age 22, Claimant. Application based on an incident involving two men breaking into his apartment and viciously stabbing him resulting in multiple injuries with a possible permanent partial disability to his left hand. Pending receipt of additional documentation and information.

Claim No. 74-028

Amarok, Female, age 29, Claimant. Assaulted and raped. Requesting reimbursement of loss of wages. Medical expenses were taken care of as she was a patient of the Alaska Native Hospital. Pending police report.

Claim No. 74-029

Cucurull, Female, age 21, Claimant. The Claimant is the widow of a man who was beaten to death while he was hitchhiking on the highway. Offenders were apprehended. The Claimant is requesting the maximum award to cover the projected earnings of her husband, who, had he lived, would have earned in excess of that amount. Hearing held; decision pending.

Claim No. 74-030

Lampley, Male, age 29, Claimant. Shot and wounded as he left his place of employment by the estranged husband of his girl friend. Requesting reimbursement for loss of wages. Medical and hospital expenses were taken care of by the Veteran's Administration. Hearing scheduled.

Initially the Board itself heard the claims at their regular Board meetings. However, due to the increase in claim volume, they could not continue this practice and contacted the various bar associations requesting volunteer hearing officers. As a result, five hearing officers have been appointed and are furnishing their time and services at a very minimal cost. All hearings are attended by the Administrator who represents the Board and records the hearings. Transcripts of the hearings are prepared in the Board office and sent to the hearing officer and Board members.

The Alaska Violent Crimes Compensation Board became affiliated with the International Association of Criminal Injuries Compensation Boards. This association has been very beneficial to us in our initial growing stage. We are benefiting from the exchange of statistics and other information between other established Violent Crimes Compensation Boards.

### LEGISLATIVE

The Board has encountered difficulties with the interpretation of several sections of the statute due to ambiguous wording and also has been disturbed because of their inability to make awards to innocent victims and dependents due to their receipts from other collateral sources.

Therefore, an amendment was prepared and submitted to the Legislature to clarify the statute and alleviate some of the restrictions presently encountered thereby increasing the effectiveness of the Board. The amendment, known as Senate Bill 477, passed the Senate but was never routed out of the House Judiciary Committee. The Board feels very strongly that this amendment is needed and will resubmit it to the next Legislature. Hopefully, they, too, will see the need of this legislation which provides in brief the following changes:

- (1) Provide the payment of out of pocket expenses to a victim (claimant) even though he has received \$10,000 from some other source.
- (2) Permit the Board to determine awards or denials on claims without a hearing but giving the claimant adequate notice so that he can request a hearing.
- (3) Maximum award of \$20,000 to multiple dependents of a victim.
- (4) Clarify the verbiage in various sections for easier interpretation.

The Board feels that after review of the program operation that the Legislature will determine that the Board has been severely handicapped in awarding claims to innocent victims of violent crimes.

### AWARDS

The Board adopted as a guide Standards of Compensation which are based on the 1967 Workmen's Compensation Act of Alaska and modified to enable the Board to grant awards to as many innocent victims as possible and still attempt to remain within the boundaries of the legislative appropriation.

Awards are paid in a lump sum pursuant to AS 18.67.080 using our Standards of Compensation as a guideline.

### RULES AND REGULATIONS

The Board pursuant to the provisions of the statute, adopted

#### Claim No. 74-016

Bell, Male, age 40, Claimant. Application filed as a result of a hit and run incident wherein the Claimant sustained multiple injuries. Hearing held June 11, but continued to a later date upon request of Claimant's attorney.

#### Claim No. 74-017

Thompson, Male, age 37, Claimant. Application filed as a result of a hit and run incident wherein the Claimant sustained multiple injuries. Hearing held June 11 and continued to a later date upon request of Claimant's attorney.

#### Claim No. 74-019

Webb, Male, age 24, Claimant. Claimant shot in the groin by one of his renters and is applying for reimbursement of medical expenses and loss of wages. Hearing held; decision pending.

#### Claim No. 74-021

Peterson, Male, age 28, Claimant. Application filed as a result of an injury sustained in a shooting incident as he was leaving a bar; Claimant treated in the Alaska Native Hospital at no charge to him. He is claiming for reimbursement of lost wages for a period of six months. Hearing held; decision pending.

#### Claim No. 74-022

Adams, Female, age 35, Claimant. She is the widow of a man who was stabbed to death. Claimant is asking for maximum award to provide for loss of support to herself and five children. Hearing held; decision pending.

Claim No. 73-009

Napier, Female, age 49, Claimant. Assaulted during a robbery in the liquor store where she was employed and forced to relinquish the money in the cash register. She tried to fight off the assailant and a back injury resulted. Claim is pending receipt of Workmen's Compensation decision on a possible partial permanent disability claim.

Claim No. 74-003

Fletcher, Male, age 42, Claimant. Liquor bar manager stabbed after dismissing offender from his employ. Claimant asking for reimbursement of medical and hospital expenses. Hearing held, but continued for additional information. In the meantime, Claimant incarcerated on a felony charge. Decision held in abeyance.

Claim No. 74-011

Johnson, Male, age 6, Dependent. Application filed by guardian (Grandfather). Mother was brutally stabbed and killed; assailant unknown. Hearing held; decision pending.

Claim No. 74-014

Long, Male, age 30, Claimant. Application filed as a result of hit and run incident wherein the Claimant sustained multiple injuries. Hearing held June 11, but continued to a later date upon request of Claimant's attorney.

Claim No. 74-015

Taylor, Male, age 30, Claimant. Application filed as a result of a hit and run incident wherein the Claimant sustained multiple injuries. Hearing held June 11, but continued to a later date upon request of Claimant's attorney.

Rules and Regulations which were approved and filed. To date no changes have been made to the original filed document.

### PUBLIC AWARENESS

As the Violent Crimes Compensation program for Alaska did not become active until March of 1973, many people in the state were unaware of the existence of such compensation and very few claims were received.

In an effort to publicize the statute, a simply worded pamphlet was prepared explaining the program and the procedure for filing claims. Over 1500 of these brochures have been distributed to state and municipal law enforcement agencies, hospitals, legal services, public defenders, and social service agencies. Since the initial distribution, we have had numerous requests for additional copies. Newspapers, radio stations and television stations have been most cooperative in helping to publicize the program. There have been several recent personal interviews with the news media in which the program was explained and questions answered. The Administrator has personally visited the social workers at hospitals, the police departments and other state agency offices dealing with the public and supplied application forms, brochures, and answered any questions they may have had.

### PROCESSING OF APPLICATIONS

Upon receipt of a claim it is necessary to initially determine minimal eligibility. Therefore, compliance with the following statutory requirements must be in evidence within the claim application:

- (1) A crime as defined in Section AS 18.67.100 must have been committed.

- (2) The crime must have been reported to proper authorities within the time period designated in Section 18.67.130
- (3) The claim must have been filed within the two year limit set by the law in Section 18.67.130.

If the claim does not meet the above standards it is determined to be ineligible and the claimant is so notified.

When a claim meets these initial tests, it is then necessary to:

- (1) acknowledge receipt of the claim and request any additional documentation which the claimant did not attach such as doctor's reports, hospital reports, employment and financial data and advise the claimant that such material must be received prior to any action on the claim;
- (2) check with the respective District Attorney's office to determine if proceedings against the offender are imminent and, if so, to determine the advisability of a request to suspend the Violent Crimes Compensation Board investigation until the case is adjudicated; and if the case has been adjudicated request copies of the judgement;
- (3) obtain a detailed description of the incident from police records to determine if any provocation by the victim is indicated and, if so, to contact any witnesses to the incident for their statements. (If offender has been prosecuted, a review of the transcript of the trial might be advisable);
- (4) verify the victim's relationship, if any, to the alleged offender;

## PENDING CLAIMS

### Claim No. 73-004

Harter, Female, age 12, Dependent. Application filed by temporary guardian (step-father). Mother of Claimant killed in a shooting incident in her home. Hearing held; decision pending.

Emergency award: \$125.00

### Claim No. 73-005

Pittman, Female, age 4, Dependent. Application filed by the father. Mother of Claimant was killed in a shooting incident in her home. Hearing held; decision pending.

Emergency award: \$125.00

### Claim No. 73-006

Pittman, Male, age 32, Claimant. Filed claim for reimbursement of funeral and related expenses due to death of his wife who was killed in a shooting incident in her home. Hearing held; decision pending.

Emergency award: \$125.00

### Claim No. 73-007

Harter, Male, age 13, Dependent. Application filed by temporary guardian (step-father). Mother of Claimant killed in a shooting incident in her home. Hearing held; decision pending.

Emergency award: \$125.00

receipt" which must be deducted from any award the Board could determine.  
(Section 090 under the statute)

Claim disallowed

Claim No. 74-032

DeMantle, Male, age 45, Claimant. Claimant involved in a family altercation, and was shot in the chest. Upon investigation it was found that the Claimant and the offender were half-brothers and therefore the Claimant would be ineligible under our statute Section 130. Claimant was notified and given a thirty day time limit to request a hearing. No response.

No award -- file closed

- (5) in the case of the death of the victim, verify the dependency of the claimant as well as his relationship to the victim to determine eligibility and, finally to;
- (6) consider other collateral sources reported as received by the claimant as a result of the incident, for example, Workmen's Compensation, Social Security, private insurance, etc., which must be computed in total and deducted from any award the Board may determine.

Upon receipt of the requested information further investigation is necessary to verify:

- (1) the employment of the victim and/or the claimant.
- (2) if victim is/was self employed, the income reported and its documentation;
- (3) hospital and doctor bills which were paid by insurance and their relevance to the claim.

When the Administrator certifies the claim complete, the file is copied and submitted to the Board for their review and recommendations. They, in turn may:

- (1) request additional information, documentation or investigation
- (2) determine that the claim is complete and
  - (a) find the claim under the statute eligible for the award requested and advise a warrant be issued

- (b) find the claim under the statute eligible but the requested compensation exceeds their findings and advise a hearing is necessary
- (c) find the claim under the statute ineligible for any award and advise a hearing is necessary.

Upon these specific instructions from the Board, the Administrator either requests a warrant or makes the necessary arrangements for a hearing. The hearing officer is contacted regarding a date convenient to his commitments and upon receipt of this information the hearing is scheduled. All parties are notified of the date, time and place (as per our regulations) twenty (20) days prior to the hearing.

If the claim file indicates outstanding balances due a hospital, doctor, or other service agency, the administrator requests a warrant payable jointly to the claimant and the obligee. The Board feels that any services provided the claimant due to the incident on which the claim is based should be cleared or arrangements made between the claimant and the obligee for a satisfactory liquidation thereof.

Within seven days after the hearing, the Administrator furnishes the hearing officer with a transcript of the hearing and he has a reasonable time (within thirty days) to submit his findings of fact and conclusions of law to the Board. The Board reviews the hearing officer's report and makes a final decision on the claim and advises the Administrator. The claimant is then notified of the decision of the Board and if an award has been determined, the Administrator requests the warrant which is then mailed registered mail to the claimant.

It should be noted here that the Board, under Section 18.67.140, is subrogated to the cause of action of the applicant against the person responsible for the injury or death and is

baby-sitting her sister and brother-in-law's three small children. An unknown person rang the doorbell and forced entry into the home, threatening harm to the children and raped her. The Claimant suffered emotional distress and needed psychiatric treatment following the incident. The offender was never apprehended although the Claimant drew a composite picture of him for the police.

The Board determined that the Claimant was an innocent victim and entitled to medical expenses as well as loss of wages.

Awarded: Medical expenses	\$224.72
Loss of Wages	\$ 36.00

Claim No. 74-026

Burleson, Female, age 43, Claimant. Claimant is the victim of acid burns when the offender forced his way into a friend's home where she was visiting and taped the hands of both the Claimant and the friend, made them lie on the floor, then splashed acid on them. He then took \$125 cash and a watch valued at \$300 and left. The Claimant has suffered greatly and incurred tremendous medical expenses which have been partly covered by private insurance. The offender has been apprehended and it is alleged that he was hired by the Claimant's former husband to harm the Claimant.

The Board, although extremely sympathetic with the Applicant's claim in view of the severity of the injury, and feels that the Violent Crimes Compensation Board was originated to ameliorate the tragedy of cases such as this, cannot make an award as the Claimant received \$16,000 payment for medical and hospital billings and this is considered a "collateral

Claim No. 74-020

Schumaker, Male, age 60, Claimant. Claimant suffered multiple stab wounds in an incident that happened in his home. Requested reimbursement of medical expenses and loss of income. Upon preliminary review of the application it was determined that the claim would be ineligible. Claimant notified of ineligibility as outlined in Section 130 of the statute, wherein the Claimant and the offender were living together. Claimant further notified that he could request a hearing by advising us within thirty days. No response received.

No award -- file closed

Claim No. 74-023

Hepler, Female, age 33, Claimant. Claimant is the widow of a man who was shot while trying to call the police to get help to prevent a possible shooting in a neighbor's home. Claimant has three minor children to support and raise. The husband had no life insurance and while living was an excellent provider.

The Board determined that the Claimant and her family suffered a great loss and that the husband was an innocent victim in a violent crime. The children suffered a traumatic experience as they witnessed the shooting of their father. The Board found that the children are receiving Social Security benefits and that the claimant was wholly dependent on the deceased and meets all the necessary statutory criteria for a maximum award.

Awarded: \$10,000.00

Claim No. 74-024

Iverson, Female, age 23, Claimant. Claimant was

entitled to bring an action against the person for the amount of the damages sustained by the applicant. The Board has endeavored to encourage applicants to institute civil proceedings where, if after investigation, it appears there is a chance of recovery. We also notify the Attorney General's office of cases wherein we believe recovery can be made; however, very few claims are recoverable due to the incarceration of the offender or his financial status.

### STATISTICAL AND ANALYTICAL INFORMATION

The growth in the awareness of the Violent Crimes Compensation program in Alaska is evidenced by the number of claims received in the last six months as shown in the charts which follow. In addition, letters requesting applications and information have also multiplied. Each letter is handled individually and a personal letter is written explaining the program and the eligibility requirements. In instances where the writer has described the incident as well as relevant facts involved and it is determined that the claim would be ineligible, the Administrator replies and cites the particular requirement of the statute which would cause the claim, if filed, to be ineligible. A copy of the inquiry as well as a copy of the reply is then forwarded to the Board. If, on the other hand, from the information given in the letter it is determined that such a claim might be eligible, a claim form is immediately forwarded to the inquirer for completion and he is instructed to attach all necessary documentation when he returns the application.

In order to have our Supplemental Annual Report coincide statistically with the budget fiscal year, we are quoting figures for the period July 1, 1973 through June 30, 1974 (this will, therefore, include statistics previously reported through December 31, 1973). Separately, we are quoting figures for January 1, 1974 through June 30, 1974 and January 1, 1973 through June 30, 1973 in order to give the reader a better view of the operation for one fiscal year.

	FY73 1/1/73-- 6/30/73	FY74 7/1/73-- 12/30/73	FY74 1/1/74-- 6/30/74
Applications received	15	19	31
Claims heard	0	11	26
Total Awards	0	3,336.70	32,688.90
Claims pending	13	14	38
No. Inquiries	17	17	65
Board Meetings held	1	2	1
No. of hearings held	0	2	5

As indicated in our first report, the Alaska Violent Crimes Compensation Board was not activated until March 1973. Therefore, FY73 shows little activity in claim decisions as procedures, administration, office establishment and staffing were the primary concerns. Claims received during this period were investigated and documented and the hearings were set for early July, 1973.

While the above summary does reflect a normal year of operation, it does not reflect program expansion due to pipeline impact even though more growth is shown in the above figures for the last six months of the 15 month period.

A further analysis based on the total claims received during the 15 month period is shown below:

Claims received	65
Claims heard	37
Total Awards	\$36,025.60
Claims heard and continued	6
Decisions rendered	32
Claims withdrawn	2

During this period 15 claims were denied for the following reasons:

and that her employer was paying her for time lost from work. As a relationship existed between the victim and the offender, a letter was written to her attorney who filed the claim explaining the eligibility requirements of the statute as well as requesting further information and documentation in the event they wished to bring the claim to a hearing. No answer was received and after a period of two months both the attorney and the claimant were notified to respond within thirty days or the file would be closed. No response was forthcoming.

No award --- file closed

#### Claim No. 74-018

Pushruk, Female, age 21, Claimant. Claimant filed an application as a result of a shooting incident wherein she was an innocent bystander (see Claim No. 74-013) and was shot in the right leg just above the ankle. Claimant had no medical expenses as she was a patient at the Alaska Native Hospital, but did suffer partial loss of wages.

The Board determined that the Claimant was an innocent victim in a violent crime and considered the medical services that she received at the rate of their rebilling. In the case of the Alaska Native Hospital, it is \$58 per day which includes all medical and hospital services. Further, this Claimant was awarded an emergency award of \$500 which was deducted from the total award of \$1,178.00 for loss of wages.

Awarded: Emergency Award	\$500
Additional for loss of wages	\$678

Claim No. 74-009

Hochstatter, Male, age 13, Dependent. Application filed by mother. Father shot and killed while he was delivering mail by a mentally deranged person.

Same determination as Claim No. 74-006.

Awarded: \$3,000.00

Claim No. 74-010

Hochstatter, Female, age 19, Dependent. Application filed by mother. Father shot and killed while he was delivering mail by a mentally deranged person.

Same determination as in Claim No. 74-007

Awarded: \$500.00

Claim No. 74-012

Moore, Female, age unknown. Claimant filed for reimbursement of medical and hospital expenditures as well as loss of income as a result of being injured in a shooting incident. Claimant was in her own lodge when assailant shot through the window and the bullet lodged in her hip. Although the Board feels this may be an eligible claim, the incident occurred prior to July 1, 1971, and cannot be considered under the statute.

Claim disallowed

Claim No. 74-013

Wilson, Female, age 21, Claimant filed an application for reimbursement of medical bills and loss of income based on an incident wherein she was shot by her boyfriend while at the place of her employment. It was learned upon investigation that her hospital bills were being taken care of by General Relief Medical

Other collateral receipts	7
No crime	1
Failure to furnish information	4
2 year filing limitation	1
Relationship with offender	2

From the above information, we can immediately determine that 47% of the claims denied were not awarded due to the receipt from other collateral sources being greater than the Board could award.

During this 15 month period there were six emergency awards made and 24 claims were filed wherein attorneys represented the claimants. The type of crimes involved in the claims were as follows:

Hit and Run	4
Assault	9
Shooting	19
Murder	17
Stabbing	12
Rape	4

All awards as required by the statute were paid in lump sum and the total paid for this period was \$36,025.60.

At present it is taking from sixty to ninety days to process an application for a claim. The Board would like to process all claims within a sixty day period; however, there are many reasons for the time schedule to be prolonged:

- (1) a District Attorney may request the Board to suspend investigation until advised to proceed. This generally means awaiting the disposition of the criminal matter or this may be due to a request by the Board wherein they feel more

detailed and adequate information regarding an incident can be obtained through the trial testimony.

- (2) the impossibility on death claims to complete the investigation where there are undetermined Social Security, Workmen's Compensation, Veteran's and Union death settlements and benefits.
- (3) in injury cases, it is necessary to obtain private insurance information regarding the amounts paid by them on the hospital and medical billings.
- (4) where the victim is injured through an incident at his place of employment, it is necessary to await the final disposition of the Workmen's Compensation claim.
- (5) if there is an indication of provocation on the part of the victim, intensive investigation is needed to determine the relationship between the offender and the claimant and also the relationship of the provocation to the incident.
- (6) sixty days is allowed for the receipt of documentation and/or information from the claimant. If this is not received within that time and the Claimant has not contacted the Board office, a form letter is sent out, together with a stamped self-addressed envelope asking whether or not the claim has been withdrawn or if not withdrawn when we can expect the required information.

Claim No. 74-006

Hochstatter, Male, age 14, Dependent. Application filed by mother. Father shot and killed while he was delivering mail by a mentally deranged person.

The Board determined that after consideration of the Social Security being received by this Dependent, based on a present day value, that in order to provide adequate housing, clothing, food and educational opportunities an award should be made with the stipulation that the award be placed in a court ordered account until the time of the Dependent's majority, or upon the signature of an authorized court appointed individual or individuals.

Awarded: \$3,000.00

Claim No. 74-007

Hochstatter, Male, age 20, Dependent. Application filed by mother. Father shot and killed while he was delivering mail by a mentally deranged person.

The Board determined that after consideration of the Social Security being received by this claimant based on a present day value, an award should be made. As there are younger children involved who need help for a longer period of time, a small award was made to aid in college expenses.

Awarded: \$500.00

Claim No. 74-008

Hochstatter, Female, age 15, Dependent. Application filed by mother. Father shot and killed while he was delivering mail by a mentally deranged person.

Same determination as Claim No. 74-006.

Awarded: \$3,000.00

pursuant to an alleged assault on him. Investigation showed no crime had been committed and that the Claimant was severely intoxicated and fell down hitting his head. Further, the incident was never reported to the police.

Claim disallowed

Claim No. 74-002

Vincent, Male, age 40, Claimant. Claimant shot as a result of a slight altercation with the offender over some money owed the offender. Claimant offered to pay by check but offender wanted cash and became irate and shot Claimant in the thigh. Medical expenses incurred were great and as he was self-employed his earnings were decreased.

After many efforts to obtain further information and documentation all letters were ignored and through investigation the Board learned that all expenses had been paid by General Relief Medical. After two months the Claimant was notified that unless he responded within thirty days his claim file would be closed. No. response.

No award--file closed

Claim No. 74-005

Hochstatter, Female, age 41, Widow. Husband shot and killed while delivering mail by a mentally deranged person.

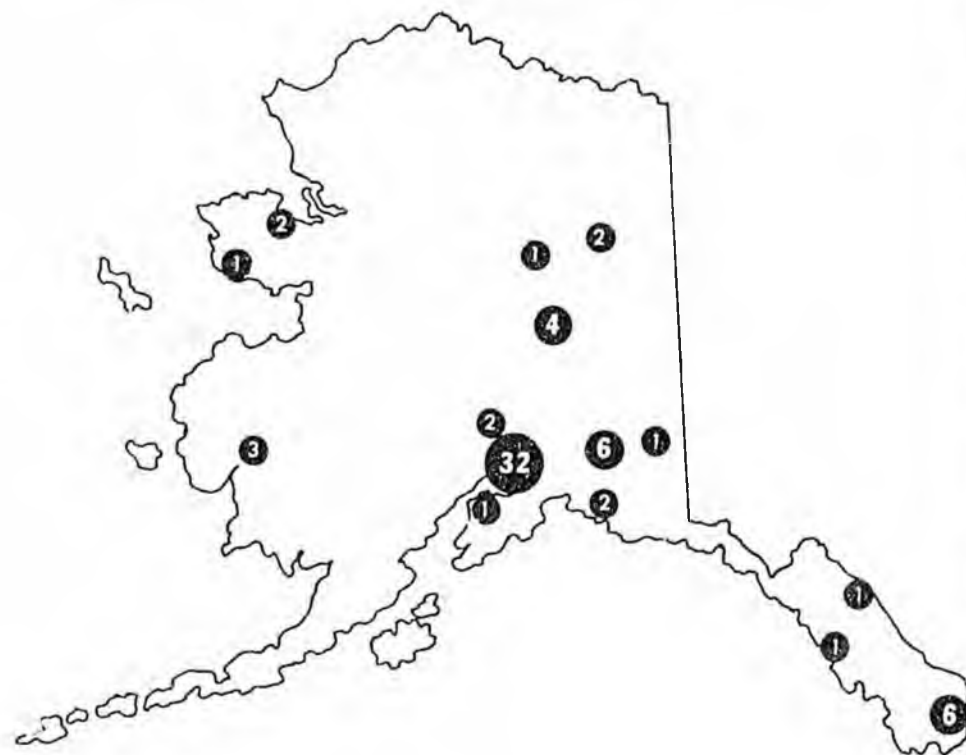
The Board determined that although her husband was an innocent victim in a violent crime they could make no award to the Claimant as she had received \$25,000 in life insurance benefits.

Claim disallowed

## PROJECTIONS

Basing the projected claim activity on the past fifteen months of operation, the Board feels very strongly that from July 1974 through June 1975, the applications received will double under ordinary conditions due to the increased awareness of the public, and could conceivably triple due to pipeline construction workers taking their R&R in the various cities and towns. Therefore, the Board projects that a total of 100-150 claims will be handled during this next fiscal year.

It is interesting to note in the following illustration that while claims are being received from all parts of Alaska, over one-half of the claims originate in the Anchorage area bearing out the theory that crime is more prevalent in the urban areas.



Our projection of a tripling of claims is based on crime activity in Alaska as shown by the chart on the next page prepared by the Criminal Justice Planning and is further supported by national figures released by the Federal Bureau of Investigation wherein they state that the crime rate for the first quarter of 1974 rose 15%, the largest increase in six years. Crimes in which personal injuries were sustained were especially affected.

The Board is endeavoring to contact more victims or their representatives, personally, feeling that the program is still so new that possible innocent victims are unaware of it. We are researching the daily papers of the major cities in Alaska and contacting the police department or appropriate district attorney in the disposition of the case against the offender.

#### POLICY, INTENT AND PHILOSOPHY

The reasons for compensating innocent victims of violent crimes are expressed in the purpose clause of the statute. However, to proceed a step further, there are other compelling reasons to reimburse innocent victims of violent crimes. The worry that encompasses a victim while recovering from the injuries, because he has no funds with which to pay medical expenses and the added concern of having no income with which to support himself or his family tends to hamper the victim in his recovery.

The traumatic impact upon the family of the victim who dies. The family may be facing the future with the uncertainty of not only how to pay the medical and/or funeral bills, but also of replacing the financial resources and support lost through the victim's death.

As was stated by former FBI Director, J. Edgar Hoover, "We are faced today with one of the most disturbing trends that I

\$10,000 maximum. Hearing was postponed due to impending trial of the offender. As the claimant had incurred two months medical and hospital expenses and had no income with which to pay his apartment rent and other current obligations, the Board made an emergency award. At the time the award was made the Board felt that the Claimant was financially, as well as physically disabled. The Board has since notified the Claimant that under Section 090 of the statute he is obligated to refund the emergency award. The Board is not pressing the matter as they feel the Claimant was an innocent victim in a violent crime and did suffer a financial loss.

Emergency award: \$500.00

#### Claim No. 73-012

Holmquist, Female, age 44, Claimant. Claimant filed application for reimbursement of funeral expenses and loss of income due to the fatal beating of her 22 year old son upon whom she was financially dependent. He was killed by a mentally deranged person.

The Board determined that the Claimant was partially dependent on her son and based their award on the earnings of the son at the time of his death. They also awarded a partial reimbursement for the funeral expenses noting that the funeral costs as billed were unreasonable. (Claimant received \$255 additionally from Social Security).

Awarded: Funeral expenses \$1,000.00  
Loss of income \$5,000.00

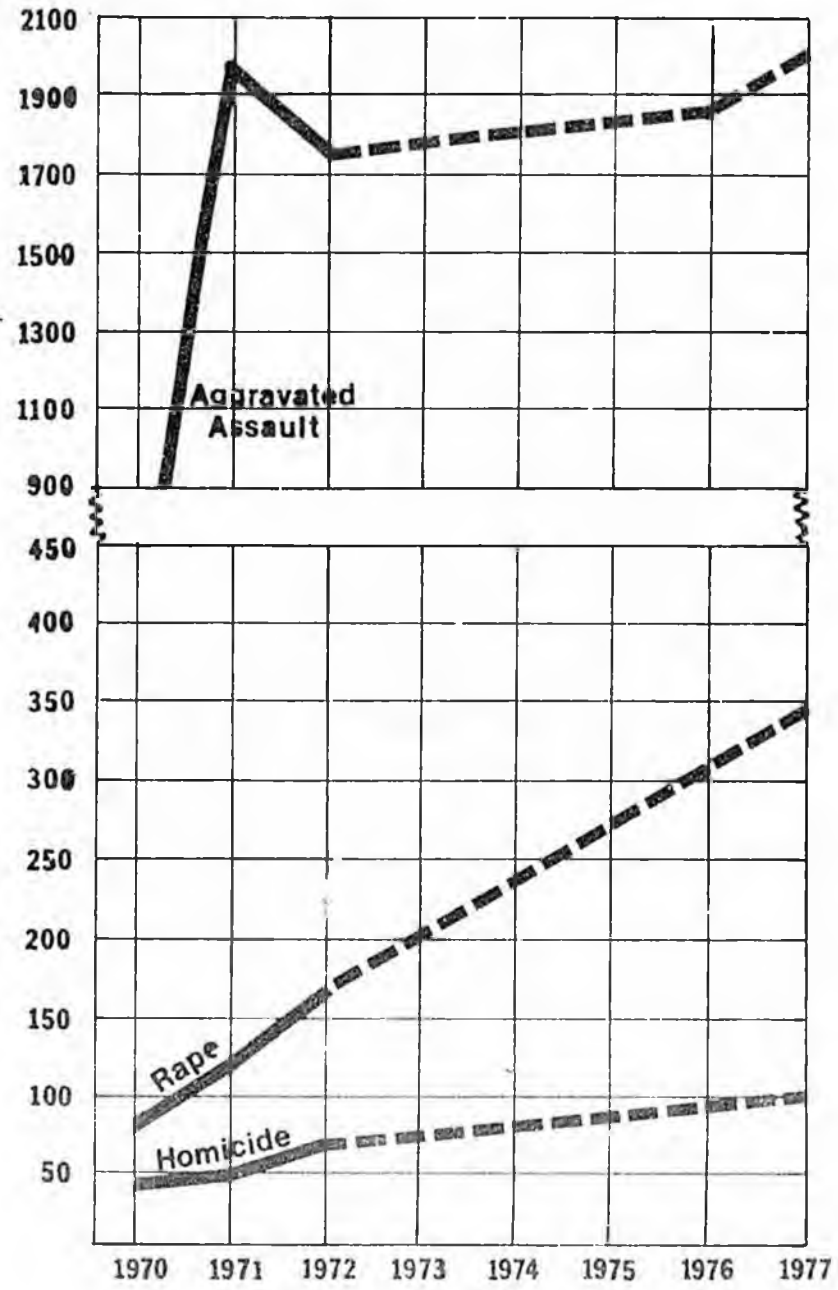
#### Claim No. 74-001

Orsos, Male, age 44, Claimant. Claimant filed for reimbursement of hospital and medical expenses

# CRIMES OF VIOLENCE

State of Alaska

1970-1972 with projections to 1977



1971 indicates result of better records and reporting

**Claim No. 73-008**

Olanna, Female, age 37, Claimant. Claimant filed for her five dependent children asking for loss of income to the family due to the death of their father (Jones) who was fatally shot in the back following a slight scuffle with the offender. As Mrs. Olanna is receiving more money than her husband provided through other Federal Agencies, and as she has remarried since the death of the children's father, the Board feels that the children are provided for through the earnings of Mrs. Olanna's present husband, as well as the payments being received from other sources.

Claim disallowed

**Claim No. 73-010**

Wells, Female, age 47, Claimant. Claimant filed application for loss of income as a result of emotional instability caused by her involvement in preventing the commission of a crime which involvement resulted in the killing of the intruder.

The Board determined that the claimant had suffered a loss of income due to the traumatic impact of the situation itself as well as the events which followed.

Awarded: Medical expenses \$ 750.40  
 Loss of income \$5,000.00

**Claim No. 73-011**

Velez, Male, age 38, Claimant. Claimant was seriously injured and it was doubtful that he would survive due to the assailant shooting him from a distance of approximately six feet as the Claimant was crossing a parking lot. Through investigation it was learned that the IBEW union has paid 80% of the hospital and medical expenses which totalled in excess of the

have witnessed in my many years of law enforcement....an overzealous pity for the criminal and an equivalent disregard for the victim." (Congressional Record, June 24 1968)

It has been reported in other states where Violent Crimes Compensation has been in effect for several years that prior to the passage of such legislation, the police officers found victims reluctant to press charges against offenders due to their own difficulties, suffering and loss. However, since the adoption of this type of compensation, victims are more willing to cooperate with the law enforcement agencies, knowing that "someone does care" about their problems. The Board feels that this trend will also develop in Alaska.

It is interesting to note that since inaugurating this program, we have received letters from Minnesota, Arizona, Colorado and Michigan who are contemplating adopting similar legislation and wished to receive information on our program. The theory of compensating innocent victims is indeed becoming more widespread.

#### INTER-AGENCY COOPERATION

The Board wishes to acknowledge the excellent cooperation of the Department of Law and the various District Attorneys throughout the state. The Office of the Attorney General has been most cooperative and helpful in providing legal interpretations and advice, and aiding the Board in preparing documents and amendments for presentation to the Legislature.

We further wish to acknowledge the cooperation of each and every municipal law enforcement agency in the state as well as the Alaska State Troopers who have been of invaluable assistance and have willingly made information available to us. We also appreciate their effort in informing the victim of the availability of our program.

#### CLAIMS FINALIZED

##### Claim No. 73-001

Stambaugh, Female, age 18, Dependent. An innocent victim of a crime wherein she was criminally attacked, raped and strangled. Offender apprehended and is serving time for first degree murder. Claimant, mother, filed for reimbursement of funeral and related expenses.

Awarded: \$2,335.70

##### Claim No. 73-002

Zimmerman, Female, age 37, Claimant. Claimant filed application relative to the death of her husband who was killed by an escapee from the state prison farm. The escapee struck the victim on the head with a rock. Claimant has received \$34,000 in life insurance. This, therefore, precluded any award the Board could make although the husband was an innocent victim in a violent crime.

Claim disallowed

##### Claim No. 73-003

McGhan, Male, age 26, Claimant. Filed an application for reimbursement for medical and hospital expenses as a result of being shot by a disgruntled employee who was actually trying to shoot his employer but injured the Claimant. Although the Board determined that the Claimant was an innocent victim in a violent crime, they were unable to reimburse him due to receipt of Workmen's Compensation exceeding the maximum the Board can award.

Claim disallowed

*"To suffer deliberate violence is different from experiencing an accident, illness or other misfortune. In violent crimes man becomes a wolf to man, threatening or destroying the personal safety of his victim in a terrifying act."*

Dr. Milton S. Eisenhower  
Chairman, National Commission  
on the Causes and Prevention of  
Violence

The Board expresses its appreciation to their own staff who have been expediting the necessary paper work to assist in the Board's determination of claims. The Board is extremely grateful for the services of the following volunteer hearing officers: Mr. Warren Christianson of Sitka, Mr. William Bittner and Mr. Joseph Palmier of Anchorage, Mr. Fenton of Fairbanks and Mr. Smith of Ketchikan. These individuals have served the Board well doing so on a gratis basis. Hearing officers are paid the normal Board rate of per diem.

### A LOOK TO THE FUTURE

As noted in prior references throughout this report, it is anticipated that the workload of this agency will greatly increase each year. Consequently, budget needs will also increase. We have only to point to other states operating under a statute similar to ours, to the increase in our state's population, and to the continual growth of public awareness in order to support the necessity of budget increases, especially in the area of awards.

Because of this new and unique concept in compensation, the Board is faced with legal problems and it is most advantageous for the Board to have as a member an attorney as we endeavor in our service to the public and the State to be on guard to respect the legal and constitutional rights of all parties.

As discussed earlier, we will, again, attempt to have an amendment passed by the Legislature to ease restrictions presently in the statute where deserving victims must be denied due to their receipts from other sources. The Board does not feel that the passage of this amendment will increase costs significantly as the financial need of the victims is also taken into consideration before any award is made.

With the past fifteen months' experience in working with the Violent Crimes Compensation program, it is the opinion of the Board that the basic intent and philosophy of the statute is sound. However, it is equally clear that there will always be room for statutory refinements as the program advances. Amendments, such as the one proposed, and others covering diverse areas will be needed to correct deficiencies and improve the effectiveness of the Board. With each proposal we reaffirm our conviction that the law is the living expression of the dynamic society in which we dwell.

The Board will continue to recognize its responsibilities to the innocent victims of violent crimes in its efforts to reach the individuals and to render decisions as promptly as possible.

# **CLAIMS**

*Finalized*

*and*

*Pending*

HB  
114

STATE OF ALASKA

VIOLENT  
CRIMES  
COMPENSATION  
BOARD



FIRST  
ANNUAL  
REPORT

1973

DEPARTMENT OF HEALTH AND SOCIAL SERVICES

STATE OF ALASKA

VIOLENT CRIMES COMPENSATION BOARD

FIRST ANNUAL REPORT

1973



Earl O'Bryan  
*Chairman*

Wendell P. Kay  
*Chairman*

Dr. E. L. Lindig, Jr.  
*Member*

Dorothy M. Benson  
*Administrator*

Claim No. 74-014

Long, Male, age 45, Claimant. Application filed as a result of a hit-and-run incident wherein the Claimant sustained multiple injuries. Claim pending receipt of certification that incident is within the purview of the Board's statutory limits for the awarding of compensation [AS 18.67.130 (4)].

Claim No. 74-015

Taylor, Male, age 30, Claimant. Application filed as a result of a hit-and-run incident wherein the Claimant sustained multiple injuries. Claim pending receipt of certification that incident is within the purview of the Board's statutory limits for the awarding of compensation [AS 18.67.140 (4)].

Claim No. 74-016

Bell, Male, age 40, Claimant. Application filed as a result of a hit-and-run incident wherein the Claimant sustained multiple injuries. Claim pending for receipt of certification that incident is within the purview of the Board's statutory limits for the awarding of compensation [AS 18.67.130 (4)].

Claim No. 74-017

Thompson, Male, age 37, Claimant. Application filed as a result of a hit-and-run incident wherein the Claimant sustained multiple injuries. Claim pending for receipt of certification that incident is within the purview of the Board's statutory limits for the awarding of compensation [AS 18.67.130 (4)].

Claim No. 74-018

Pushkin, Female, age 21, Claimant. Application filed as a result of a shooting incident wherein the Claimant was shot in the right leg just above the ankle. Claim has been forwarded to the Board for their review.

Claim No. 74-019

Webb, Male, age 24, Claimant. Claimant shot in the groin. Claimant filing for reimbursement of medical expenses as well as loss of wages. Pending investigation.

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STATE OF ALASKA  
DEPARTMENT OF HEALTH AND SOCIAL SERVICES  
VIOLENT CRIMES COMPENSATION BOARD  
POUCH H

Juneau, Alaska 99801

was killed in a shooting incident in her home. Final determination awaiting further documentation.

Claim No. 73-006

Pittman, Male, age 32, Claimant. Filed claim for reimbursement of funeral and related expenses due to the death of his wife who was killed in a shooting incident in her home. Final determination on this claim is pending further financial information and investigation.

Claim No. 73-010

Wells, Female, age 47, Claimant. Claimant filed application for loss of income as a result of emotional instability caused by her involvement in preventing the commission of a crime, which involvement resulted in her killing the intruder. Claim is pending a request by the Board for further medical examination.

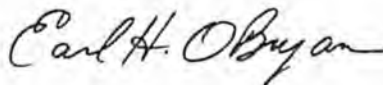
The HONORABLE WILLIAM A. EGAN  
GOVERNOR OF THE STATE OF ALASKA

MEMBERS OF THE ALASKA STATE LEGISLATURE

*Ladies and Gentlemen:*

*I have the honor to submit the First Report of the Violent Crimes Compensation Board for the period starting January 1, 1973 through December 31, 1973 covering a period of twelve months pursuant to the provisions of Section 18.67.170 of the Laws of Alaska.*

Respectfully,



Earl O'Bryan  
Chairman

Claim No. 47-002

Vincent, Male, age 37, Claimant. Claimant filed an application for injuries sustained in a shooting incident wherein the offender became enraged regarding an outstanding bill owed him by the Claimant and shot the Claimant. Necessary supportive information requested has not been forwarded by the Claimant, therefore, he was advised to inform the Board as to whether or not he was withdrawing his claim.

Claim No. 74-013

Wilson, Female, age 20, Claimant. Claimant filed for compensation for injuries sustained from a shooting incident in the bar where she was working. There is an indication that a possible relationship existed between the Claimant and the Offender, therefore, a careful investigation is being made. Additionally, there is an inquiry into the possible payment of Workmen's Compensation which would preclude any additional payment by the Board.

BOARD MEMBERS:

Earl H. O'Bryan, *Chairman*  
E. L. Lindig, Jr. M. D.  
Wendell P. Kay  
Dorothy Benson, *Administrator*

## First Annual Report

of the

## Violent Crimes Compensation Board

### Claim No. 74-005

Hochstatter, Female, age 41, Widow. Husband shot and killed while delivering mail, by a mentally deranged person. Claim pending further documentation and investigation.

### Claim No. 74-008

Hochstatter, Female, age 15, Dependent. Application being made by Mother. Father shot and killed while he was delivering mail, by a mentally deranged person. Claim pending receipt of further documentation and investigation.

### Claim No. 74-009

Hochstatter, Male, age 13, Dependent. Application being made by Mother. Father shot and killed while he was delivering mail, by a mentally deranged person. Claim pending receipt of further documentation and investigation.

### Claim No. 74-011

Johnson, Male, age 6, Dependent. Claim filed by Grandfather in whose home the child is living. Mother was brutally stabbed and killed; assailant unknown. Claim pending further documentation and investigation.

### Claim No. 73-009

Napier, Female, age 49, Claimant. Assaulted during a robbery in the liquor store where she was employed, sustaining a back injury when assailant grabbed her around the neck and forced her to relinquish the money in the register. She tried to fight the assailant off and thereby injured her back. Claim is pending receipt of information from Workmen's Compensation as to their final payment. Also there is the possibility that she may be eligible for partial disability under their provisions.

### Claim No. 73-005

Pittman, Female, age 4, Dependent. Application is being made by the Father. Mother of the Claimant

*The Violent Crimes Compensation Board was established in 1972 to provide for the payment of compensation to innocent persons injured and to dependents of persons killed as a result of certain serious crimes or in attempts to prevent the commission of crime or to apprehend suspected criminals.*

## I ADMINISTRATIVE BACKGROUND

This report covers the period of January 1, 1973 through December 31, 1973, the first year of the Board's existence. The first six months of the year were spent in the creation of the agency itself. The Board held their first meeting which was an organizational meeting in February of 1973. It was necessary at this meeting to conduct interviews for the appointment of an administrator, establish claim procedures and eligibility standards for compensation and discuss budget problems.

With the appointment of an administrator, the office of the Violent Crimes Compensation Board was established March 1, 1973, in the Health and Social Services Building, Room 210,

Juneau, Alaska. During the interim period from the passing of the legislation establishing the Board to the time that the program became operational, claims had been received in letter form so it was of primary importance to develop a claim application form, promulgate regulations and to establish a routine for the processing of claims.

The approved budget authorized the staffing of the office by an administrator and a clerk typist. The duties of the administrator as set forth by the board required, in addition to managing the Board office, the initial checking of all claims received, the determination of the documentation necessary to support the claim, the carrying out of any investigative work necessary to verify the claim and the sending of the completed claim file to the board for their evaluation and response.

To date the policy of the Board has been to hear the claims in conjunction with board meetings. This has been with the view to keeping expenses at a minimum, but it appears that with the increase of claims this approach has become inadequate and has necessitated the employment of hearing officers who, as licensed attorneys have the legal authority to hold such hearings. Even though a hearing officer is employed, the Board does require that one member or its administrator attend the hearing.

## II PROCESSING OF APPLICATIONS

Upon receipt of a claim it is necessary to initially determine minimal eligibility. Therefore, compliance with the following statutory requirements must be in evidence within the claim application:

- (1) A crime as defined in Section AS 18.67.100 must have been committed
- (2) The crime must have been reported to proper authorities within the time period designated in Section 18.67.130
- (3) The claim must have been filed within the two year limit set by the law in Section 18.67.130

## PENDING CLAIMS

### Claim No. 74-003

Fletcher, Male, age 42, Claimant. Liquor bar manager stabbed after dismissing offender from his employ. Claimant is asking for reimbursement of unpaid medical and hospital expenses. Determination of the Board pending the receipt of final billings and advice as to the portion paid by private insurance and further information necessary as to financial need.

### Claim No. 73-004

Harter, Female, age 12, Dependent. Application being made by temporary guardian (step-father). Mother of Claimant killed in a shooting incident in her home. Final determination pending decision on permanent guardianship petition.

Emergency Award: \$125

### Claim 73-007

Harter, Male, age 13, Dependent. Application being made by temporary guardian (step-father). Mother of Claimant killed in a shooting incident in her home. Final determination pending decision on permanent guardianship petition.

Emergency Award: \$125

### Claim No. 73-012

Holmquist, Female, age 44, Claimant. Filed application for reimbursement of funeral expenses and loss of income due to the fatal beating of her twenty-two (22) year old son (upon whom she was financially dependent) by a mentally deranged person. Claim pending financial information and further documentation and investigation.

### Claim No. 74-007

Hochstatter, Male, age 19, Dependent. Application being made by Mother. Father shot and killed while he was delivering mail, by a mentally deranged person. Claim pending further documentation and investigation.

Claim No. 73-002

Zimmerman, Female, age 37, Claimant. Claimant filed application relative to the death of her husband who was killed by an escapee from the state prison farm. The escapee struck the victim on the head with a rock. Claimant has received \$34,000 in life insurance, therefore, this precluded any award that the Board could make.

Claim disallowed

If the claim does not meet the above standards it is determined to be ineligible and the claimant is so notified.

When a claim meets these initial tests it is then necessary to:

- (1) acknowledge receipt of the claim and request the claimant to furnish doctors' reports, hospital reports, employment and financial data, and to advise the claimant that these reports must be received prior to further investigation;
- (2) check with the respective District Attorney's office to determine if proceedings against the offender are imminent and, if so, to determine the advisability of a request to suspend the Violent Crimes Compensation Board investigation until the case is adjudicated;
- (3) obtain a detailed description of the incident from police records to determine if any provocation by the victim is indicated and, if so, to contact any witnesses to the incident for their statements. (If the offender has been prosecuted, a review of the transcript of the trial may be advisable.);
- (4) verify, in the case of the death of the victim the victim's relationship, if any, to the alleged offender;
- (5) additionally in the case of the death of the victim, verify the dependency of the claimant as well as his relationship to the victim to determine eligibility of the claimant and, finally, to;
- (6) consider other collateral sources reported as received by the claimant as a result of the incident for instance, Workmen's Compensation, which must then be computed in total and deducted from any award the Board may determine.

Upon receipt of the requested information further investigation is necessary to verify:

- (1) the employment of the victim and/or the claimant
- (2) if victim is/was self-employed, the income reported and its documentation; and
- (3) the hospital and doctor bills possibly reimbursed by insurance, as well as their relevance to the claim.

When the administrator certifies the claim complete, the file is copied and submitted to the Board members for their review. They, in turn, may request additional information, documentation or investigation or they may decide the claim complete and ready for a hearing. The Board then notifies the administrator accordingly. A hearing is scheduled and all parties notified of the date, time and place. The claimant is notified that he may be represented by legal counsel at the hearing if he so wishes.

After having heard the claim and within a reasonable time, the Board makes a final decision and the claimant is notified.

### III AWARDS

An analysis of the claims received and action taken, if any, by the Board will be discussed under STATISTICS.

Awards are paid pursuant to AS 18.67.080, using as a guideline the Alaska Workmen's Compensation Law with special consideration to the availability of appropriated funds.

### IV RULES AND REGULATIONS

The Board, pursuant to the provisions of the statute, adopted Rules and Regulations which were approved and subsequently filed as of July 1, 1973.

#### Claim No. 74-001

Orsos, Male, age 44, Claimant. Claimant filed for reimbursement of hospital and medical expenses pursuant to an alleged assault on him. Investigation showed no crime had been committed and that Claimant was severely intoxicated and fell down hitting his head. Further, the incident was never reported to the police.

Claim disallowed

#### Claim No. 73-001

Stambaugh, Female, age 18, Dependent. An innocent victim of a crime wherein she was criminally attacked, raped and strangled. Offender apprehended and is serving time for first degree murder. Claimant, mother, filed for reimbursement of funeral and related expenses.

Awarded: \$2,336.70

#### Claim No. 73-001

Velez, Male, age 38, Claimant. Claimant was seriously injured and it was doubtful that he would survive due to the assailant shooting him from a distance of approximately six feet as the Claimant was crossing a parking lot. Through investigation it was learned that the IBEW union has paid eighty per cent (80%) of the hospital and medical expenses which totaled in excess of the \$10,000 maximum. Hearing procedures were suspended due to the impending trial of the defendant. As the Claimant had incurred two months' medical and hospital expenses and as he had no income with which to pay his apartment rent and other current obligations, the Board made an emergency award. At the time the emergency award was made, the Board felt that the Claimant was financially, as well as physically disabled. The Board is notifying the Claimant that under Section 085 of the statute, that he is obligated to refund the emergency award.

Emergency Award: \$500

## CLAIMS FINALIZED

### Claim No. 73-003

McGhan, Male, age 26, Claimant. Claimant filed for reimbursement for medical and hospital expenses as a result of being shot by a disgruntled employee who was actually trying to shoot his employer but injured Claimant. Although the Board determined that the Claimant was an innocent victim in a violent crime, they were unable to reimburse him due to receipts from Workmen's Compensation exceeding the maximum the Board can award.

Claim disallowed

### Claim No. 74-012

Moore, Female, age unknown. Claimant filed for reimbursement of medical and hospital expenditures as well as loss of income as a result of being injured in a shooting incident. Claimant was in her own lodge when assailant shot through the window and the bullet lodged in her hip. Although the Board feels this may be an eligible claim the incident occurred prior to July 1, 1971 and, therefore, cannot be considered under the statute.

Claim disallowed

### Claim No. 73-005

Olanna, Female, age 37, Claimant. Claimant filed for her five dependent children asking for loss of income to the family due to the death of their father (Jones) who was fatally shot in the back following a slight scuffle with the offender. As Mrs. Olanna is receiving more money than her husband provided, through other Federal Agencies, and as she has remarried since the death of the children's father, the Board feels that the children are provided for through the earnings of Mrs. Olanna's present husband, as well as the payments being received from other sources.

Claim disallowed

## V PUBLIC AWARENESS

As the Violent Crimes Compensation program did not become active until March of 1973, not many people in Alaska were aware of the existence of such compensation and very few claims were received until the Board published their Violent Crimes Compensation brochure.

In an effort to publicize the statute, a simply-worded pamphlet was prepared explaining the program and the procedure for filing claims. Five hundred such pamphlets have been distributed and a second printing has been requested to provide additional brochures to agencies which have requested them. The brochures were distributed to state and municipal law enforcement agencies, hospitals, legal counselors and social service agencies throughout Alaska. Since this distribution has been made many calls and letters requesting additional information and claim forms have been received.

Newspapers, radio and television stations have been cooperative in helping to publicize the program and the Board is indebted to them for their service. The Board recognizes that we need to continue our efforts to inform the public as we feel that only a small percentage of claims from apparent victims of violent crimes are being received.

## VI STATISTICAL AND ANALYTICAL INFORMATION

The number of claims that were received and investigated were 15. In addition to these claims, the Board received inquiries as to eligibility. In the latter instance, the administrator opened a reference file which enables an immediate preliminary review and determination of eligibility under the Alaska statute. In the handling of an inquiry, the administrator replies and cites the particular requirement of the statute which would cause the claim, if filed, to be ineligible. A copy of the inquiry as well as a copy of the reply is then forwarded to the Board, thus saving time for the Board as well as the claimant. If, from the information given in a letter of inquiry, it is determined that such a claim may be eligible, a claim form is immediately forwarded to the inquirer for completion and return with

necessary documentation. The reasons for disallowance of completed claims are as follows:

No Crime Committed	1
Other Collateral Source	4
Incident prior to effective date	1

NOTE: Out of the seven claims which were completed and heard by the Board, one award was made; four claims were denied even though they involved innocent victims of violent crimes and were otherwise eligible except that the claimant had received payment from other collateral sources. The denial of claims due to receipts from other collateral sources therefore represents two-thirds of total claims determined. As our statute specifies the reduction of the maximum award (or any award the Board may determine in a claim) by the amount received from all other sources such as Workmen's Compensation, Social Security, Veterans Administration, private insurance coverage, etc. very few claims are actually eligible as most people have some insurance or other coverage. This ruling has been extremely difficult for the Board. In many cases, insured hospital billings alone can amount to the maximum \$10,000; however, the victim, when he does return to work, still may have twenty per cent or more of the hospital and medical bills to pay. In some cases the victim after dismissal from the hospital is unable to return to work for a month or more has no income, and has financial need; however, the Board cannot aid the victim as he has already received \$10,000 from another source.

During the year, the Board granted 3 emergency awards. Approximately one-third of the claims received have been filed through attorneys.

The type of incidents that claims have covered is illustrated as follows:

Assault	2
Robbery	1
Rape	1
Stabbed	2
Shot	16
Miscellaneous	4

The Board will continue to recognize its responsibilities to the innocent victims of violent crimes in its efforts to render decisions as promptly as possible.

Respectfully submitted,

*Carl H. Bryan*

Chairman of the Board

E. L. Lindig, Jr., M.D.  
Member of the Board

Wendell P. Kay  
Member of the Board

Dated: December 31, 1973

## X A LOOK TO THE FUTURE

As noted in prior paragraphs, it is anticipated that the workload of this agency will greatly increase every year. Consequently, budget needs will increase also. We have only to point to the states operating under a statute similar to ours, to the increase in our state's population, and to the continual growth of public awareness in order to support the necessity of budget increases.

Because of this new and unique concept in compensation, the Board is faced with legal problems and it is most advantageous for the Board to have an attorney as a board member as we endeavor in our service to the public and the State to be on guard to respect the legal and constitutional rights of all parties.

As a result of the experience we have gained this first year, we intend to submit various amendments to the statute which we believe will further implement the philosophy and spirit of the Violent Crimes Compensation Board. These amendments will pertain to the following areas:

- (a) Provide compensation for parents or guardians where dependent children have been fatal victims of violent crimes, reimbursing in such incidents, the medical and burial expenses incurred as a direct result of their death.
- (b) Provide clarification as to the amount of award that can be paid per incident where more than one dependent is involved.
- (c) Provide the Board the discretion to make a determination on a claim without holding a hearing upon proper notification to claimant that if he is in disagreement with the decision he may request a hearing.

As these amendments mainly deal with clarification of the statute and a revision of the hearing procedure, it would tend to decrease the financial burden of the State.

All awards, as required by the statute, have been paid in lump sum and the total paid for this year has been \$3,836.70.

At present it is taking approximately ninety days to process an application for a claim; the Board is hoping to reduce this to sixty days. There are many reasons for the time schedule to be prolonged; some of which follow:

- (1) a District Attorney may request the Board to suspend investigation until advised to proceed. This generally means awaiting the disposition of the criminal matter or this may be due to a request by the Board feeling that they can possibly get more detailed and adequate information from the trial data
- (2) the impossibility on death claims to complete the investigation where there are undertermined Social Security benefits and Workmen's Compensation claims
- (3) in injury cases, it is necessary to obtain private insurance information as to the amount to be paid on the hospital and doctor billing
- (4) where the victim is injured at his place of work, it is necessary to await the final disposition of the Workmen's Compensation benefits
- (5) if provocation is involved, intensive investigation is necessary to determine the relationship between the Claimant and the Offender, and also, the relationship between the provocation and the incident
- (6) sixty days is allowed for the receipt of the documentation and/or information from the Claimant. If it is not received within that time and the Claimant has not contacted the Board office, a form letter is sent out, together with a stamped self-addressed envelope asking whether the claim has been withdrawn or if not withdrawn, when the necessary information will be forthcoming. This has proved very satisfactory, as generally the Claimant or his attorney responds immediately, thereby enabling a determination on the status of the claim.

## VII PROJECTIONS

The Board feels that the future number of claims can be projected now that this initial period of operation has been completed.

It is believed that the number of claims which will be received will surely double and could conceivably triple, placing the total number of claims at 52, or possible 80. This figure does not include the telephone and letter inquiries that are received.

Not only is the public better informed and becoming more so, but the distribution of the brochures and releases given the news media are factors to be considered in projecting the number of claims to be handled.

Another factor is that the crime rate as reported by the Federal Bureau of Investigation (particularly those crimes in which personal injuries are sustained), are on the increase each year. Additionally, Alaska will have an influx of workers due to the construction of the Trans-Alaska Pipeline; this will, no doubt, have a bearing on the increase of crimes in our state.

## VIII POLICY, INTENT AND PHILOSOPHY

The reasons for compensating innocent victims of violent crimes are expressed in the purpose clause of the statute. However, to proceed a step further, there are other compelling reasons to reimburse innocent victims of violent crimes. The worry that encompasses a victim while recovering from the injuries, having no funds with which to pay medical expenses and the added concern of having no income with which to support oneself or one's family, tends to hamper the victim in his recovery.

The traumatic impact upon the family of the victim who dies. The family may be facing the future with the uncertainty of not only how to pay the medical and/or funeral bills, but also of replacing the financial resources and support lost through the victim's death.

As was stated by J. Edgar Hoover, then F.B.I. Director, "We are faced today with one of the most disturbing trends that I have witnessed in my many years of law enforcement . . . an overzealous pity for the criminal and an equivalent disregard for his victim." (Congressional Record, June 24, 1968)

It has been reported in other states where Violent Crimes Compensation has been in effect for several years that prior to the passage of such legislation, the police officers found victims reluctant to press charges against offenders due to their own difficulties, suffering and loss. However, since the adoption of this type of compensation programs, victims are more willing to cooperate with the law enforcement agencies, knowing that "someone does care" about their problems. The Board feels this trend will also develop in Alaska.

It is interesting to note that since inaugurating this program, we have received letters from the states of Minnesota and Arizona who are contemplating adopting similar legislation. Therefore, the theory of compensating innocent victims is becoming more popular.

## IX INTER-AGENCY COOPERATION

The Board wishes to acknowledge the excellent cooperation of the Department of Law and the various District Attorneys throughout the state.

We also wish to acknowledge the cooperation of each and every law enforcement agency, particularly that of Mr. Earl Hibpshman, Chief of the Anchorage City Police Department, who has been extremely helpful as so many of our claims originate in that city. Additionally, the State Troopers have been of great assistance and willingly have made information available to us.

The Board expresses its appreciation to their own staff who have been expediting the paper work necessary to assist the Board's determination of claims as well as to our appointed hearing officers, namely, Mr. Earl Hoppner, Fairbanks; Mr. Warren Christiansen, Sitka; Mr. Clifford Smith, Ketchikan; and Mr. William Bittner, Anchorage. These individuals have served the Board well indeed, doing so on a gratis basis, with their only remuneration being per diem at the Board rate.

1 IN THE SENATE

BY HUEER

2 SENATE BILL NO. 23

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 NINTH LEGISLATURE - FIRST SESEION

5 A BILL

6 For an Act entitled: "An Act relating to the Violent Crimes Compensation  
7 Board; and providing for an effective date."

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

9 \* Section 1. AS 18.67.010 is amended to read:

10 Sec. 18.67.010. PURPOSE. It is the purpose of this chapter to  
11 facilitate and permit the payment of compensation to innocent persons  
12 injured, [AND] to dependents of persons killed, and to certain other  
13 persons who by virtue of their relationship to the victim of a crime  
14 incur actual and reasonable expense as a result of certain serious  
15 crimes or in attempts to prevent the commission of crime or to appre-  
16 hend suspected criminals.

17 \* Sec. 2. AS 18.67.040(a) is amended to read:

18 Sec. 18.67.040. ACTION ON APPLICATION: Hearings. (a) Upon  
19 application made under the provisions of this chapter, the board  
20 shall consider the application and rule on it. The board may,  
21 upon its own motion, order a hearing, specifying the time and place it  
22 is to be held; if a hearing is ordered, the board shall give notice to  
23 the applicant. If, after consideration without a hearing, the decision  
24 is unfavorable to the applicant, in whole or in part, the board shall  
25 furnish him a written statement of the reason for the ruling. If, within  
26 30 days after receipt of this statement, the applicant requests a hearing  
27 on his application, the board shall specify [FIX] a time and place for a  
28 hearing and shall give notice to the applicant. If no request for a  
29 hearing is made within the specified time, the decision of the board is

1 final.

2 \* Sec. 3. AS 18.67.050 is amended to read:

3 Sec. 18.67.050. ATTORNEY FEES. The board may, as part of an order  
4 entered under this chapter, determine and allow reasonable attorney fees,  
5 which may not exceed 15 per cent of the amount awarded as compensation  
6 under sec. 70 of this chapter, to be paid [OUT OF BUT NOT] in addition  
7 to the amount of the compensation, to the attorney representing the  
8 applicant. It is unlawful for the attorney to ask for, contract for,  
9 charge, demand, collect or receive a larger sum than the amount allowed  
10 by the board in addition to [IN THE] award. An attorney who violates  
11 this section is guilty of a misdemeanor and, upon conviction, is  
12 punishable by a fine of not less than \$500, or by imprisonment for not  
13 more than one year, or by both, and shall forfeit any fee awarded and  
14 shall repay the state the fee awarded under this section.

15 \* Sec. 4. AS 18.67.080(a)(2) is amended to read:

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

20 \* Sec. 5. AS 18.67.090 is repealed and re-enacted to read:

21 Sec. 18.67.090. LIMITATION ON RECOVERY FROM COLLATERAL SOURCES.  
22 The board may deduct from the final compensation awarded under this  
23 chapter only that amount awarded to the applicant as emergency compensa-  
24 tion under sec. 120 of this chapter.

25 \* Sec. 6. AS 18.67.110(2) is amended to read:

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

29 \* Sec. 7. AS 18.67.120(1) is amended to read:

1 (1) the amount of the emergency compensation may not exceed  
2 \$1,500 [500];

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

4 (b) No compensation may be awarded if the victim

5 (1) is a relative of the offender;

6 (2) is, at the time of the personal injury or at the time of  
7 the injury which results in the death of the victim living with the  
8 offender as a member of the same [HIS] family or household, or main-  
9 taining a sexual relationship, whether illicit or not, with the offender  
10 [PERSON] or with a member of the offender's [HIS] family;

11 (3) violated a penal law of the state, which violation caused  
12 or contributed to his injuries or death; or

13 (4) is injured as a result of the operation of a motor vehicle,  
14 boat or airplane unless the vehicle was used as a weapon in a deliberate  
15 attempt to injure or kill [RUN] the victim [DOWN].

16 \* Sec. 9. AS 18.67.130(c) is amended to read:

17 (c) No compensation may be awarded under this chapter in an amount  
18 in excess of \$25,000 per applicant per incident. However, in the case of  
19 the death of a victim who has more than one dependent applying for com-  
20 ensation, the total compensation which may be awarded as a result of  
21 that death may not exceed \$25,000 awarded for one dependent plus \$5,000  
22 for each additional dependent. All [\$10,000 AND ALL] payments shall be  
23 made in a lump sum.

24 \* Sec. 10. AS 18.67 is amended by adding new sections to read:

25 Sec. 18.67.175. DUTY TO DISPLAY INFORMATION. (a) Every hospital  
26 licensed by this state shall display prominently in its emergency room  
27 posters notifying the public of the existence and general provisions of  
28 this chapter. The board shall set standards for the location of this  
29 display and shall provide posters, application forms and general informa-

1 tion regarding the provisions of this chapter to each hospital and to  
2 each physician licensed to practice medicine in the state.

3 (b) Every law enforcement agency in the state shall inform victims  
4 of violent crimes, or their surviving dependents, of the provisions of  
5 this chapter and shall provide application forms to the victims, or their  
6 dependents, who desire to seek compensation under this chapter. The  
7 board shall provide application forms, all other documents and general  
8 information which law enforcement agencies may require to comply with  
9 this subsection. The board shall set standards to be followed by law  
10 enforcement agencies for this purpose and may require them to file with  
11 the board a description of the procedures adopted by each agency to  
12 comply.

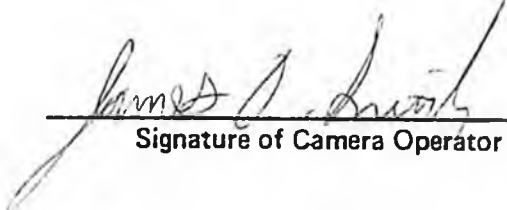
13 \* Sec. 11. This Act takes effect immediately in accordance with AS 01.10.-  
14 070(c).

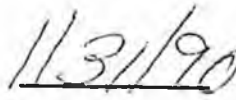


# RECORDS CERTIFICATION



I, the undersigned, an employee of the State of Alaska, do hereby certify that the microfilm images on this microform are accurate reproductions of the original records of the State of Alaska as accumulated during the regular course of business, and that it is the established policy and practice of this State to microfilm its records and to dispose of the original records after microfilm reproductions have been made.

  
\_\_\_\_\_  
Signature of Camera Operator

  
\_\_\_\_\_  
Date

"An Act relating to oil and gas development."

2/4/75

COMMITTEE REPORT

FINANCE

HOUSE

Mr. Speaker:

Date 4/25/75

The Committee on Commerce has had HB 116

under consideration. A Majority of the members of the Committee

recommends it DO PASS

recommends it DO NOT PASS

recommends it DO PASS WITH ATTACHED AMENDMENT(S)

recommends it BE REPLACED WITH CS FOR HB 116 AND THAT

CS FOR HB 116 DO PASS

"and" recommends it BE REFERRED TO THE \_\_\_\_\_

COMMITTEE

reports it back WITHOUT RECOMMENDATION

"other"

Members signing the Majority report:

<u>[Signature]</u>	<u>[Signature]</u>	_____
<u>[Signature]</u>	<u>[Signature]</u>	_____
<u>[Signature]</u>		_____
<u>[Signature]</u>		_____

Members NOT concurring in the Majority report:

<u>[Signature]</u>	recommends: <u>no rec</u>
<u>[Signature]</u>	recommends: <u>no rec</u>
_____	recommends:
_____	recommends:
_____	recommends:

[Signature] Chairman

"An Act relating to oil and gas development."

COMMITTEE REPORT

4/25/75

HOUSE

Mr. Speaker:

Date \_\_\_\_\_

The Committee on FINANCE has had HB 116

under consideration. A Majority of the members of the Committee

( ) recommends it DO PASS

( ) recommends it DO NOT PASS

( ) recommends it DO PASS WITH ATTACHED AMENDMENT(S)

( ) recommends it BE REPLACED WITH CS FOR \_\_\_\_\_ AND THAT

CS FOR \_\_\_\_\_ DO PASS

( ) "and" recommends it BE REFERRED TO THE \_\_\_\_\_

COMMITTEE

( ) reports it back WITHOUT RECOMMENDATION

( ) "other"

Members signing the Majority report:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Members NOT concurring in the Majority report:

\_\_\_\_\_ recommends:

\_\_\_\_\_ recommends:

\_\_\_\_\_ recommends:

\_\_\_\_\_ recommends:

\_\_\_\_\_ recommends:

\_\_\_\_\_ Chairman

Original sponsor: Malone

Offered: 4/25/75  
Referred: Finance

1 IN THE HOUSE

BY THE COMMERCE COMMITTEE

2 CS FOR HOUSE BILL NO. 116

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 NINTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act relating to oil and gas regulation and conser-  
7 vation tax."

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

9 \* Section 1. AS 43.57.010(a) is amended to read:

10 (a) There is levied upon the producer of oil a tax of [ONE-EIGHTH  
11 OF] one cent on each barrel of oil removed or sold from each lease or  
12 property in the state, less any part the ownership or right to which is  
13 exempt from taxation.  
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Introduced: 2/4/75  
Referred: Commerce and  
Finance

1 IN THE HOUSE

BY MALONE

2 HOUSE BILL NO. 116

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 NINTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act relating to oil and gas development."

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

8 \* Section 1. AS 38.05 is amended by adding a new section to read:

9 Sec. 38.05.297. INSPECTION PERMITTED. (a) The department may,  
10 as a condition of granting a permit or lease provided for in secs. 135 -  
11 365 of this chapter, require the applicant to

12 (1) allow full observation and inspection by a person  
13 employed by the department of all oil or gas exploration efforts,  
14 drilling or production facilities;

15 (2) allow a person employed by the department to be present  
16 during exploration, drilling or production efforts, and make adequate  
17 provisions for the board, lodging and transportation of that person;

18 (3) in the case of a vessel or other facility engaged in  
19 offshore oil or gas exploration, drilling or production, allow a  
20 person employed by the department to live on the vessel or facility;

21 (4) reimburse the state, on a regular basis, for all costs  
22 incurred in the administration of this section, including the costs  
23 of inspection;

24 (5) post a surety bond or other guarantee of payment;

25 (6) observe other conditions the department considers neces-  
26 sary to safeguard the public health, safety and general welfare.

27 (b) The department shall promulgate regulations to carry out the  
28 purpose of this section, including but not limited to

29 (1) the specific duties of the inspector;

COMMITTEE COPY

1 (2) adequate safety precautions and special insurance pro-  
2 tection for the inspector;

3 (3) a shift system providing for the frequent replacement  
4 and area transfer of an inspector;

5 (4) a liberal grant of annual leave with pay for inspectors  
6 not restricted to the provisions of AS 39.20.200;

7 (5) any other provision necessary to implement the purposes  
8 of this section.

9 (c) A person holding a permit or lease provided for under secs.  
10 135 - 365 of this chapter who refuses to allow inspection under the  
11 terms of this section is guilty of a misdemeanor and, upon conviction,  
12 is punishable by a fine of not more than \$10,000, or by imprisonment  
13 for not more than one year, or by both.  
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ALASKA STATE LEGISLATURE

NINE Legislature FIRST Session

HOUSE BILL NO. 116

By MALONE

An Act relating to oil and gas development.

Oil/gas development

Introduced in the House 2/4/75, 1975

HISTORY IN THE HOUSE

19 75

Feb 4

Read first time and referred to Committee on Commerce and Finance

Reported back with recommendation that

Read second time and

Read third time and

PASS	Effective Date
Yeas	Yeas
Nays	Nays
Absent	Absent
Excused	Excused

Reconsideration

PASS	Effective Date
Yeas	Yeas
Nays	Nays
Absent	Absent
Excused	Excused

Reported correctly engrossed  
Signed by Speaker  
Sent to Senate

CHIEF CLERK OF THE HOUSE

HISTORY IN THE SENATE

19

Read first time and referred to Committee on

Reported back with recommendation that

Read second time and

Read third time and

PASS	Effective Date
Yeas	Yeas
Nays	Nays
Absent	Absent
Excused	Excused

Reconsideration

PASS	Effective Date
Yeas	Yeas
Nays	Nays
Absent	Absent
Excused	Excused

Reported correctly engrossed  
Signed by President  
Returned to House

SECRETARY OF THE SENATE

HISTORY IN THE HOUSE

19

Received from Senate

Reported correctly enrolled

Sent to Governor

..... By Governor

Filed with Lt. Governor

Chapter No. ....

Original sponsor: Malone

Offered: 4/25/75  
Referred: Finance

1 IN THE HOUSE BY THE COMMERCE COMMITTEE  
2 CS FOR HOUSE BILL NO. 116  
3 IN THE LEGISLATURE OF THE STATE OF ALASKA  
4 NINTH LEGISLATURE - FIRST SESSION  
5 A BILL  
6 For an Act entitled: "An Act relating to oil and gas regulation and conser-  
7 vation tax."  
8 BE IT ENACTED BY THE IEGISLATURE OF THE STATE OF ALASKA:  
9 \* Section 1. AS 43.57.010(a) is amended to read:  
10 (a) There is levied upon the producer of oil a tax of [ONE-EIGHTH  
11 OF] one cent on each barrel of oil removed or sold from each lease or  
12 property in the state, less any part the ownership or right to which is  
13 exempt from taxation.  
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Introduced: 2/4/75  
Referred: Commerce and  
Finance

1 IN THE HOUSE

BY MALONE

2 HOUSE BILL NO. 116

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 NINTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act relating to oil and gas development."

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

8 \* Section 1. AS 38.05 is amended by adding a new section to read:

9 Sec. 38.05.297. INSPECTION PERMITTED. (a) The department may,  
10 as a condition of granting a permit or lease provided for in secs. 135 -  
11 365 of this chapter, require the applicant to

12 (1) allow full observation and inspection by a person  
13 employed by the department of all oil or gas exploration efforts,  
14 drilling or production facilities;

15 (2) allow a person employed by the department to be present  
16 during exploration, drilling or production efforts, and make adequate  
17 provisions for the board, lodging and transportation of that person;

18 (3) in the case of a vessel or other facility engaged in  
19 offshore oil or gas exploration, drilling or production, allow a  
20 person employed by the department to live on the vessel or facility;

21 (4) reimburse the state, on a regular basis, for all costs  
22 incurred in the administration of this section, including the costs  
23 of inspection;

24 (5) post a surety bond or other guarantee of payment;

25 (6) observe other conditions the department considers neces-  
26 sary to safeguard the public health, safety and general welfare.

27 (b) The department shall promulgate regulations to carry out the  
28 purpose of this section, including but not limited to

29 (1) the specific duties of the inspector;

1           (2) adequate safety precautions and special insurance pro-  
2 tection for the inspector;

3           (3) a shift system providing for the frequent replacement  
4 and area transfer of an inspector;

5           (4) a liberal grant of annual leave with pay for inspectors  
6 not restricted to the provisions of AS 39.20.200;

7           (5) any other provision necessary to implement the purposes  
8 of this section.

9           (c) A person holding a permit or lease provided for under secs.  
10 135 - 365 of this chapter who refuses to allow inspection under the  
11 terms of this section is guilty of a misdemeanor and, upon conviction,  
12 is punishable by a fine of not more than \$10,000, or by imprisonment  
13 for not more than one year, or by both.  
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## MEMORANDUM

State of Alaska

TO: Frederick P. Boetsch  
Deputy Commissioner  
Department of Revenue

DATE: May 2, 1975

FILE NO:

TELEPHONE NO:

FROM: Gary L. Jenkins, Director  
Audit Division  
Department of Revenue

SUBJECT: House Bill 116

House Bill 116 provides for an increase in the rate for oil and gas regulation and conservation tax from one eighth of one cent to the rate of one cent per barrel of oil removed or sold from each lease of property within the state less any part which is exempt from taxation. The sole impact of this bill would be to raise additional income under this taxing provision. The effect of this will be to increase revenues as follows:

FY 1976:	\$ 497,000
FY 1977:	\$ 455,000
FY 1978:	\$2,821,000
FY 1979:	\$4,851,000
FY 1980:	\$5,236,000

GLJ:lw

cc R. D. Stevenson