

SENATE BILL NO. 234

IN THE LEGISLATURE OF THE STATE OF ALASKA

THIRTY-FIRST LEGISLATURE - SECOND SESSION

BY SENATOR REINBOLD

Introduced: 2/24/20

Referred: Judiciary, Finance

A BILL

FOR AN ACT ENTITLED

"An Act relating to criminal law and procedure; relating to limitations of actions; relating to electronic monitoring; relating to victims of criminal offenses; relating to eligibility dates for parole; and relating to the duties of the attorney general."

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

* **Section 1.** AS 12.10.010(a) is amended to read:

(a) Prosecution for the following offenses may be commenced at any time:

(1) murder, manslaughter, or criminally negligent homicide under AS 11.41.100 - 11.41.180;

(2) attempt, solicitation, or conspiracy to commit murder, manslaughter, or criminally negligent homicide, or hindering the prosecution of murder, manslaughter, or criminally negligent homicide;

(3) [FELONY] sexual abuse of a minor under AS 11.41.434 - 11.41.440;

(4) sexual assault under AS 11.41.410 - 11.41.430 [THAT IS AN

1 UNCLASSIFIED, CLASS A, OR CLASS B FELONY OR A VIOLATION OF
2 AS 11.41.425(a)(2) - (4)];

3 (5) a violation of AS 11.41.450 - 11.41.460 [AS 11.41.425, 11.41.427,
4 11.41.450 - 11.41.458, AS 11.66.110 - 11.66.130,] or former AS 11.41.430, when
5 committed against a person who, at the time of the offense, was under 18 years of age;

6 (6) kidnapping;

7 (7) distribution of child pornography in violation of AS 11.61.125;

8 (8) sex trafficking under AS 11.66.110 - 11.66.135 [IN VIOLATION
9 OF AS 11.66.110 - 11.66.130 THAT IS AN UNCLASSIFIED, CLASS A, OR
10 CLASS B FELONY OR THAT IS COMMITTED AGAINST A PERSON WHO, AT
11 THE TIME OF THE OFFENSE, WAS UNDER 20 YEARS OF AGE];

12 (9) human trafficking in violation of AS 11.41.360 or 11.41.365.

13 * **Sec. 2.** AS 12.30.011 is amended by adding a new subsection to read:

14 (f) A court may not authorize a defendant's release on electronic monitoring if
15 the defendant is charged with a felony crime against a person under AS 11.41.

16 * **Sec. 3.** AS 12.61.010(a) is amended to read:

17 (a) Victims of crimes have the following rights:

18 (1) the right to be present during any proceeding in

19 (A) the prosecution and sentencing of a defendant if the
20 defendant has the right to be present, including being present during testimony
21 even if the victim is likely to be called as a witness;

22 (B) the adjudication of a minor as provided under
23 AS 47.12.110;

24 (2) the right to be notified by the appropriate law enforcement agency
25 or the prosecuting attorney of any request for a continuance that may substantially
26 delay the prosecution and of the date of trial, sentencing, including a proceeding
27 before a three-judge panel under AS 12.55.175, an appeal, and any hearing in which
28 the defendant's release from custody is considered;

29 (3) the right to be notified that a sentencing hearing or a court
30 proceeding to which the victim has been subpoenaed will not occur as scheduled;

31 (4) the right to receive protection from harm and threats of harm

1 arising out of cooperation with law enforcement and prosecution efforts and to be
2 provided with information as to the protection available;

3 (5) the right to be notified of the procedure to be followed to apply for
4 and receive any compensation under AS 18.67;

5 (6) at the request of the prosecution or a law enforcement agency, the
6 right to cooperate with the criminal justice process without loss of pay and other
7 employee benefits except as authorized by AS 12.61.017 and without interference in
8 any form by the employer of the victim of crime;

9 (7) the right to obtain access to immediate medical assistance and not
10 to be detained for an unreasonable length of time by a law enforcement agency before
11 having medical assistance administered; however, an employee of the law
12 enforcement agency may, if necessary, accompany the person to a medical facility to
13 question the person about the criminal incident if the questioning does not hinder the
14 administration of medical assistance;

15 (8) the right to make a written or oral statement for use in preparation
16 of the presentence report of a felony defendant;

17 (9) the right to appear personally at the defendant's sentencing hearing
18 to present a written statement and to give sworn testimony or an unsworn oral
19 presentation;

20 (10) the right to be informed by the prosecuting attorney, at any time
21 after the defendant's conviction, about the complete record of the defendant's
22 convictions;

23 (11) the right to notice under AS 12.47.095 concerning the status of the
24 defendant found not guilty by reason of insanity;

25 (12) the right to notice under AS 33.16.087 of a hearing concerning
26 special medical parole of the defendant;

27 (13) the right to notice under AS 33.16.120 of a hearing to consider or
28 review discretionary parole of the defendant;

29 (14) the right to notice under AS 33.30.013 of the release or escape of
30 the defendant; [AND]

31 (15) **the right to appoint a personal representative to act on behalf**

1 **of the victim and receive all rights of the victim provided under this subsection;**
 2 **and**

3 (16) the right to be notified orally and in writing of and receive
 4 information about the office of victims' rights from the law enforcement officer
 5 initially investigating the crime and from the prosecuting attorney assigned to the
 6 offense; at a minimum, the information provided must include the address, telephone
 7 number, and Internet address of the office of victims' rights; this paragraph

8 (A) applies only to victims of felonies and to victims of class A
 9 misdemeanors if the class A misdemeanor is a crime involving domestic
 10 violence or a crime against a person under AS 11.41; if the victim is an
 11 unemancipated minor, the law enforcement officer and the prosecuting
 12 attorney shall also provide the notice required by this paragraph to the parent
 13 or guardian of the minor;

14 (B) is satisfied if, at the time of initial contact with the crime
 15 victim, the investigating officer and prosecuting attorney each give each crime
 16 victim a brochure or other written material prepared by the office of victims'
 17 rights and provided to law enforcement agencies for that purpose.

18 * **Sec. 4.** AS 33.16.170(d) is amended to read:

19 (d) Except for portions containing personal medical, mental health, or
 20 substance abuse treatment information or information that is otherwise required to be
 21 kept confidential by state or federal law, **parole eligibility dates**, decisions of the
 22 board, orders for parole, and parole conditions imposed by the board are not
 23 confidential. The board shall post all **eligibility dates for mandatory and**
 24 **discretionary parole**, decisions, orders of parole, and conditions imposed on a
 25 publicly available Internet website with any confidential portions redacted.

26 * **Sec. 5.** AS 44.23.020 is amended by adding a new subsection to read:

27 (l) The attorney general shall decide whether to prosecute a case within five
 28 business days after receiving the case from a law enforcement agency. If the attorney
 29 general decides not to prosecute a case, the attorney general shall provide a written
 30 explanation to the law enforcement agency describing why the attorney general will
 31 not prosecute the case.

1 * **Sec. 6.** The uncodified law of the State of Alaska is amended by adding a new section to
2 read:

3 APPLICABILITY. (a) AS 12.10.010(a), as amended by sec. 1 of this Act, applies to
4 offenses committed on or after the effective date of this Act.

5 (b) AS 33.16.170(d), as amended by sec. 4 of this Act, applies to parole granted
6 before, on, or after the effective date of this Act for conduct occurring before, on, or after the
7 effective date of this Act.