

# LEGAL SERVICES

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## MEMORANDUM

February 6, 2012

**SUBJECT:** Victims' rights  
HB 293 (Work Order No. 27-LS1238\A)

**TO:** Representative Chris Tuck  
Attn: George Ascott

**FROM:** Dan Wayne   
Legislative Counsel

You have requested a sectional summary of the above-described bill.

As a preliminary matter, note that a sectional summary of a bill should not be considered an authoritative interpretation of the bill; the bill itself is the best statement of its contents.

**Section 1** adds to the rights of victims, under AS 12.61.100, the right to be notified if there is a request for a continuance that, if granted, may substantially delay a proceeding in either a criminal matter or the adjudication of a minor as provided under AS 47.12.110.

**Section 2** requires a prosecuting attorney in a felony or domestic violence case to inform the victim when there is a motion pending that may substantially delay prosecution, and inform the court of the victim's position regarding the motion.

**Section 3** would amend Alaska Rule of Criminal Procedure 45(d)(2) to require a court to consider the interests of a victim in a criminal case before granting a continuance or an adjournment requested or consented to by the defense.

**Section 4** would amend Alaska Rule of Criminal Procedure 45 by adding a new subsection (h) to require a court to consider, before ruling on a motion for a continuance in a case involving a victim under AS 12.55.185, the victim's position on the motion for a continuance and how the victim might be affected if the continuance is granted.

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12-076.plm