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CHANGES IN CSHB 73(JUD) FROM HB 73

- CSHB 73(JUD) added the crime of sexual assault in the fourth degree to the offenses to which the marriage defense applies. (Section 7 of the CS)
- CSHB 73(JUD) added the affirmative defense of a preexisting dating or sexual relationship to the new offenses that prohibit a probation or parole officer from engaging in sexual conduct with a person on probation or parole. (Section 8 of the CS)
- CSHB 73(JUD) clarified the drafting in section 9 of the CS.
- CSHB 73(JUD) extended the forfeiture provision to the property of both patrons and prostitutes if the property was used to aid or facilitate or derived from prostitution. HB 75 only extended forfeiture to the patron of a prostitute. The CS also required that the defendant be convicted for forfeiture to be available. (Section 10 of the CS)
- CSHB 73(JUD) removed the possibility of a court ordering a respondent to a civil protective order to be monitored by GPS or similar technology. The CS still authorizes GPS tracking in connection with bail release for a charge of a crime involving domestic violence or stalking, if done according to guidelines adopted by the Department of Corrections working with the Department of Public Safety.
- CSHB 73(JUD) added a good faith exception in section 16 of the CS, which addresses the rape shield protection, to the deadline for a defendant to bring a request to the court to introduce evidence of the victim's past or post offense sexual conduct in a prosecution for sexual assault, sexual abuse of a minor, or unlawful exploitation of a minor.

- CSHB 73(JUD) removed from the bill the provisions in HB 75 addressing procedures for determining fifth amendment privileges and the appeal of the decision to the Court of Appeals.
- CSHB 73(JUD) added a good faith exception to the deadlines for claims for credit in a treatment program against jail time while the defendant is released on bail in connection with a criminal prosecution, criminal appeal, and petition to revoke probation. The CS also gives 90 days grace after the event for the defendant to bring the claim of credit. (Sections 17 and 18 of the CS)
- CSHB 73(JUD) added a conforming amendment in section 26 of the CS to reflect the previous change in the maximum fine for a class A misdemeanor.
- CSHB 73(JUD) added conforming amendments in sections 30 and 31 of the CS to legislation regarding adoption.
- CSHB 73(JUD) provided that the Attorney General's designee for considering an application for an administrative subpoena must be either the Deputy Attorney General for the civil division or the criminal division. (Section 36 of the CS)
- CSHB 73(JUD) removed the requirement that volunteer coaches be mandatory reporters of abuse or neglect of children. (Sections 38 and 39 of the CS)
- CSHB 73(JUD) also did some "wordsmithing" in various provisions of the bill that did not result in major changes in the substance of the bill.