

AMENDMENT

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OFFERED IN THE HOUSE
TO: CSHB 14(STA)

BY REPRESENTATIVE LINCOLN

1 Page 1, line 2:

2 Delete "and"

3

4 Page 1, line 3, following "unconsciousness":

5 Insert "; relating to the duties of the prosecuting attorney; and relating to victim
6 notifications"

7

8 Page 7, following line 26:

9 Insert new bill sections to read:

10 "** Sec. 5. AS 12.61.015(a) is amended to read:

11 (a) If a victim of a felony, a sex offense as defined in AS 12.63.100, or a
12 crime involving domestic violence requests, the prosecuting attorney shall make a
13 reasonable effort to

14 (1) confer with the person against whom the offense has been
15 perpetrated about that person's testimony before the defendant's trial;

16 (2) in a manner reasonably calculated to give prompt actual notice,
17 notify the victim

18 (A) of the defendant's conviction and the crimes of which the
19 defendant was convicted;

20 (B) of the victim's right in a case that is a felony to make a
21 written or oral statement for use in preparation of the defendant's presentence
22 report, and of the victim's right to appear personally at the defendant's
23 sentencing hearing to present a written statement and to give sworn testimony

1 or an unsworn oral presentation;

2 (C) of the address and telephone number of the office that will
3 prepare the presentence report; and

4 (D) of the time and place of the sentencing proceeding;

5 (3) notify the victim in writing of the final disposition of the case
6 within 30 days after final disposition of the case;

7 (4) confer with the victim or the victim's legal guardian concerning a
8 proposed plea agreement before entering into the plea [AN] agreement to ask the
9 victim or the victim's legal guardian whether the victim is in agreement with the
10 proposed plea agreement; the prosecuting attorney shall record whether the
11 victim or the victim's legal guardian is in agreement with the proposed plea
12 agreement;

13 (5) inform the victim of a pending motion that may substantially delay
14 the prosecution and inform the court of the victim's position on the motion; in this
15 paragraph, a "substantial delay" is

16 (A) for a misdemeanor, a delay of one month or longer;

17 (B) for a felony, a delay of two months or longer; and

18 (C) for an appeal, a delay of six months or longer.

19 * Sec. 6. AS 12.61.015 is amended by adding new subsections to read:

20 (d) The court may reschedule a hearing to consider a plea agreement as needed
21 to allow additional time to comply with the victim notification requirements under
22 (a)(2) and (4) of this section.

23 (e) Nothing in this section requires a victim or a victim's legal guardian to
24 provide a response to a prosecuting attorney regarding a plea agreement or requires the
25 prosecuting attorney to be bound by the victim's or legal guardian's response regarding
26 the plea agreement."

27
28 Renumber the following bill section accordingly.