

**CS FOR HOUSE BILL NO. 34(FIN)**

**IN THE LEGISLATURE OF THE STATE OF ALASKA**

**TWENTY-FIRST LEGISLATURE - FIRST SESSION**

**BY THE HOUSE FINANCE COMMITTEE**

**Offered: 5/3/99**

**Referred: Rules**

**Sponsor(s): REPRESENTATIVES DYSON, Davies, Masek, Croft**

**SENATORS Pearce, Taylor, Wilken, Leman, Mackie, Tim Kelly, Pete Kelly**

**A BILL**

**FOR AN ACT ENTITLED**

**1 "An Act relating to the crime of failure to report the commission or attempted**  
**2 commission of certain crimes against children."**

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

**4 \* Section 1.** AS 11.56 is amended by adding a new section to read:

**5 Sec. 11.56.765. Failure to report a violent crime committed against a child.**

**6 (a)** A person, other than the victim, commits the crime of failure to report a violent  
**7 crime committed against a child if the person**

**8 (1)** witnesses what the person knows or reasonably should know is

**9 (A)** the murder or attempted murder of a child by another;

**10 (B)** the kidnapping or attempted kidnapping of a child by  
**11 another;**

**12 (C)** the sexual penetration or attempted sexual penetration by  
**13 another**

**14 (i)** of a child without consent of the child;

- 1 (ii) of a child that is mentally incapable;  
 2 (iii) of a child that is incapacitated; or  
 3 (iv) of a child that is unaware that a sexual act is being  
 4 committed; or  
 5 (D) the assault of a child by another causing serious physical  
 6 injury to the child;  
 7 (2) knows or reasonably should know that the child is under 16 years  
 8 of age; and  
 9 (3) does not in a timely manner report that crime to a peace officer or  
 10 law enforcement agency.  
 11 (b) In a prosecution under this section, it is an affirmative defense that the  
 12 defendant  
 13 (1) did not report in a timely manner because the defendant reasonably  
 14 believed that doing so would have exposed the defendant or others to a substantial risk  
 15 of physical injury; or  
 16 (2) acted to stop the commission of the crime and stopped  
 17 (A) the commission of the crime; or  
 18 (B) the completion of the crime being attempted.  
 19 (c) In this section,  
 20 (1) "incapacitated" has the meaning given in AS 11.41.470;  
 21 (2) "mentally incapable" has the meaning given in AS 11.41.470;  
 22 (3) "sexual act" has the meaning given in AS 11.41.470;  
 23 (4) "without consent" has the meaning given in AS 11.41.470.  
 24 (d) Failure to report a violent crime committed against a child is a class A  
 25 misdemeanor.