

CONFERENCE CS FOR HOUSE BILL NO. 67

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-FIRST LEGISLATURE - SECOND SESSION

BY THE CONFERENCE COMMITTEE

Offered: 4/26/00

Sponsor(s): REPRESENTATIVES ROKEBERG, Dyson, Croft, Harris, Halcro, Murkowski

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to release of certain persons alleged to have committed certain
2 sexual offenses."

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

4 * **Section 1.** AS 12.30 is amended by adding a new section to read:

5 **Sec. 12.30.029. Release in sexual abuse and sexual assault cases.** (a)

6 Before ordering release before trial of a person charged with a crime under
7 AS 11.41.410 - 11.41.438 or 11.41.450 - 11.41.458, the court shall consider the safety
8 of the alleged victim. The court may impose bail and any of the conditions authorized
9 under AS 12.30.020 and any other condition necessary to protect the alleged victim
10 and the public and to assure the appearance of the person in court.

11 (b) The court may impose any of the following conditions on a person charged
12 with an offense under AS 11.41.410 - 11.41.438 or 11.41.450 - 11.41.458

13 (1) that the person have no contact with the alleged victim except as
14 specifically allowed by the court;

(2) that the person reside in a place where the person is not likely to come into contact with the alleged victim of the offense; and

(3) if the person is on medication, that the person take the medication as prescribed.

(c) Before a judicial officer releases a person charged with an offense under AS 11.41.410 - 11.41.438 or 11.41.450 - 11.41.458, the court shall

(1) assure that the alleged victim, or the alleged victim's parent or guardian if the alleged victim is under 18 years of age, has been notified by a law enforcement agency or the prosecuting attorney of the hearing where the release is being considered, or a reasonable effort at notification has been made;

(2) solicit comments from the victim or the victim's parent or guardian who is present and wishes to comment and consider those comments before making a decision to release the person.

* **Sec. 2.** AS 12.30.040(a) is amended to read:

(a) A person who has been convicted of an offense and is awaiting sentence, or who has filed an appeal, shall be treated in accordance with the provisions of AS 12.30.020 unless the court has reason to believe that no one or more conditions of release will reasonably assure the appearance of the person as required or prevent the person from posing a danger to the victim, other persons, or the community. If that determination is made, the person may be remanded to custody. This section does not affect the right of a person appealing from a judgment of conviction from a district court to the superior court to be released on bail pending appeal under Rule 603(b) of the Rules of Appellate Procedure; however, the court shall consider the safety of the victim, other persons, and the community before the person is released under the rule.

Before granting bail to a person convicted of an offense that is a crime under AS 11.41.420, 11.41.425, 11.41.436, 11.41.438, or 11.41.450 - 11.41.458, the court shall consider requiring the person to participate in an electronic monitoring program as a condition of release.

* **Sec. 3.** The uncodified law of the State of Alaska is amended by adding a new section to read:

APPLICABILITY. This Act applies to criminal proceedings occurring on or after the

- 1 effective date of this Act regardless of whether the criminal offense occurred before, on, or
- 2 after the effective date of this Act.