



LAWS OF ALASKA

2004

Source
CSHB 348(JUD)

Chapter No.

AN ACT

Relating to the rights of certain victims of crime to receive information about the office of victims' rights and the Violent Crimes Compensation Board.

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

THE ACT FOLLOWS ON PAGE 1

AN ACT

1 Relating to the rights of certain victims of crime to receive information about the office of
2 victims' rights and the Violent Crimes Compensation Board.

3
4 * **Section 1.** AS 12.61.010(a) is amended to read:

5 (a) Victims of crimes have the following rights:

6 (1) the right to be present during any proceeding in

7 (A) the prosecution and sentencing of a defendant if the
8 defendant has the right to be present, including being present during testimony
9 even if the victim is likely to be called as a witness;

10 (B) the adjudication of a minor as provided under
11 AS 47.12.110;

12 (2) the right to be notified by the appropriate law enforcement agency
13 or the prosecuting attorney of the date of trial, sentencing, including a proceeding
14 before a three-judge panel under AS 12.55.175, an appeal, and any hearing in which

1 the defendant's release from custody is considered;

2 (3) the right to be notified that a sentencing hearing or a court
3 proceeding to which the victim has been subpoenaed will not occur as scheduled;

4 (4) the right to receive protection from harm and threats of harm
5 arising out of cooperation with law enforcement and prosecution efforts and to be
6 provided with information as to the protection available;

7 (5) the right to be notified of the procedure to be followed to apply for
8 and receive any compensation under AS 18.67;

9 (6) at the request of the prosecution or a law enforcement agency, the
10 right to cooperate with the criminal justice process without loss of pay and other
11 employee benefits except as authorized by AS 12.61.017 and without interference in
12 any form by the employer of the victim of crime;

13 (7) the right to obtain access to immediate medical assistance and not
14 to be detained for an unreasonable length of time by a law enforcement agency before
15 having medical assistance administered; however, an employee of the law
16 enforcement agency may, if necessary, accompany the person to a medical facility to
17 question the person about the criminal incident if the questioning does not hinder the
18 administration of medical assistance;

19 (8) the right to make a written or oral statement for use in preparation
20 of the presentence report of a felony defendant;

21 (9) the right to appear personally at the defendant's sentencing hearing
22 to present a written statement and to give sworn testimony or an unsworn oral
23 presentation;

24 (10) the right to be informed by the prosecuting attorney, at any time
25 after the defendant's conviction, about the complete record of the defendant's
26 convictions;

27 (11) the right to notice under AS 12.47.095 concerning the status of the
28 defendant found not guilty by reason of insanity;

29 (12) the right to notice under AS 33.16.087 of a hearing concerning
30 special medical parole of the defendant;

31 (13) the right to notice under AS 33.16.120 of a hearing to consider or

1 review discretionary parole of the defendant; [AND]

2 (14) the right to notice under AS 33.30.013 of the release or escape of
3 the defendant; and

4 (15) the right to be notified orally and in writing of and receive
5 information about the office of victims' rights from the law enforcement officer
6 initially investigating the crime and from the prosecuting attorney assigned to the
7 offense; at a minimum, the information provided must include the address,
8 telephone number, and Internet address of the office of victims' rights; this
9 paragraph

10 (A) applies only to victims of felonies and to victims of class
11 A misdemeanors if the class A misdemeanor is a crime involving domestic
12 violence or a crime against a person under AS 11.41; if the victim is an
13 unemancipated minor, the law enforcement officer and the prosecuting
14 attorney shall also provide the notice required by this paragraph to the
15 parent or guardian of the minor;

16 (B) is satisfied if, at the time of initial contact with the crime
17 victim, the investigating officer and prosecuting attorney each give each
18 crime victim a brochure or other written material prepared by the office
19 of victims' rights and provided to law enforcement agencies for that
20 purpose.

21 * **Sec. 2.** AS 24.65.100 is amended by adding a new subsection to read:

22 (d) The victims' advocate shall provide written material to be given out to
23 victims of crime as required by AS 12.61.010. The written material must contain a
24 brief statement about the Violent Crimes Compensation Board and contact
25 information for that board.