

**A M E N D M E N T**

OFFERED IN THE HOUSE

BY REPRESENTATIVE PRAX

TO: HB 275

1 Page 1, following line 3:

2 Insert a new bill section to read:

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

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

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

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

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

11 (2) the right to be notified by the appropriate law enforcement agency  
12 or the prosecuting attorney of any request for a continuance that may substantially  
13 delay the prosecution and 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  
15 the defendant's release from custody is considered;

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

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

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

23 (6) at the request of the prosecution or a law enforcement agency, the

1 right to cooperate with the criminal justice process without loss of pay and other  
2 employee benefits except as authorized by AS 12.61.017 and without interference in  
3 any form by the employer of the victim of crime;

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

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

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

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

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

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

22 (13) the right to notice under AS 33.16.120 of a hearing to consider or  
23 review discretionary parole of the defendant;

24 (14) the right to notice under AS 33.30.013 of the release or escape of  
25 the defendant; [AND]

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

31 (A) applies only to victims of felonies and to victims of class A

misdemeanors if the class A misdemeanor is a crime involving domestic violence or a crime against a person under AS 11.41; if the victim is an unemancipated minor, the law enforcement officer and the prosecuting attorney shall also provide the notice required by this paragraph to the parent or guardian of the minor;

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

**(16) the right to be notified of the location and testing date of a test examination kit collected from the victim."**

13 Page 1, line 4:

## Delete "Section 1"

Insert "Sec. 2"

17 Renumber the following bill sections accordingly.

19 Page 3, line 27:

Delete "Section 7"

Insert "Section 8"