

# Alaska State Legislature

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## SPONSOR STATEMENT

### SB 187 - Misconduct Involving Confidential Information

SB 187 is a product of reaction to a real life event that occurred in Alaska. A young child was interviewed at a Child Advocacy Center (CAC) as a victim of child abuse and the child's sibling who was a witness to the abuse was also interviewed. Both children disclosed some significant physical abuse which resulted in hospitalization. Part of the interview of the victim, and the entire interview of the sibling who witnessed the abuse were posted on YouTube and another website.

This bill would add to AS 11.76.113, the crime of misconduct involving confidential information in the first degree, anyone who publishes or distributes an audio or video recording of an interview of a child, or other physical evidence gathered for a criminal or child protection investigation. Exceptions to the prohibition would be distribution required by a court order, a rule of court, or if distribution is required by federal or state law. This is a Class A Misdemeanor.

The Committee Substitute would also make an exception for the use of such evidence for training of law enforcement, forensic interviewers, prosecutors, and defense bar if the victim or a parent or guardian of the minor gives permission for the release.

SB 187 also includes a court rule changes that add video and audio interviews and photographs of medical exams of victims of crimes of sexual assault in the first, second, third, or fourth degree; sexual abuse of a minor in the first, second, third and fourth degree; or incest to the list of evidence that must remain in the physical custody of the attorney representing the defendant. The evidence can be shared with the defendant, but the defendant is prohibited from having copies of the materials.