

LEGAL SERVICES

DIVISION OF LEGAL AND RESEARCH SERVICES
LEGISLATIVE AFFAIRS AGENCY
STATE OF ALASKA

(907) 465-2450
LAA.Legal@akleg.gov
120 4th Street, Room 3

State Capitol
Juneau, Alaska 99801-1182
Deliveries to: 129 6th St., Rm. 329

MEMORANDUM

May 14, 2021

SUBJECT: Definition of "victim" (SB 122; Work Order No. 32-LS0422\B)

TO: Representative Liz Snyder
Attn: Arielle Wiggin

FROM: Alpheus Bullard 
Legislative Counsel

You requested a memorandum summarizing the effects of changes made by SB 122 (Work Order No. 32-LS0422\B) to the definition of "victim" at AS 12.55.185(19). That definition currently defines "victim" to include an adult child if the person against whom an offense has been perpetrated is dead. Numerous statutes, otherwise unaddressed by SB 122, cite this definition so there are consequences to re-defining "victim" at AS 12.55.185 that are not evident in the text of the bill itself. Some of the consequences are described below.

AS 33.30.013 requires the Department of Corrections to notify the victim if an offender escapes from custody, is discharged from parole, or is released to the community on a furlough or an early release. This notice is mandatory "in every case of a crime involving domestic violence,"¹ and the statute uses the definition of "victim" found in AS 12.55.185.² SB 122 would, therefore, result in these types of notices being mailed to a minor child in a case in which the minor's parent was killed in an act of domestic violence.

Similarly, if the governor considers clemency for a person, AS 33.20.080 requires the Board of Parole to send notice to the victim. This statute also relies upon the definition of "victim" found in AS 12.55.185,³ and SB 122 would result in these types of notices also being given to minor children.

Juvenile delinquency law AS 47.12.130 requires that a juvenile probation officer contact the victim of the juvenile delinquent's offense while drafting a predisposition report. ("Disposition" in a juvenile delinquency case is analogous to sentencing in an adult

¹ AS 33.30.013(b).

² AS 33.30.901(15).

³ AS 33.20.080(d)(3).

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criminal case.) Like the statutory provisions discussed above, this statute also uses the definition of "victim" in AS 12.55.185 and would result in minor children being contacted if SB 122 becomes law.⁴

Other statutes that rely upon the definition of "victim" in AS 12.55.185 include: AS 09.38.500, AS 11.56.756, AS 12.36.070, AS 12.45.015, AS 12.47.095, AS 12.61.030, AS 12.61.900, AS 24.65.250, AS 33.16.260, AS 33.16.900, and AS 33.30.292.

If I may be of further assistance please advise.

ALB:boo

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Attachment

⁴ AS 47.12.990(16).