



**SB 65 SEX OFFENDERS AND OFFENSES
SECTIONAL ANALYSIS**

February 8, 2023

Section 1. This is a legislative findings and intent section. The section clarifies that evidence the prosecutor believes will be admissible at trial should be admissible at grand jury. The section also overturns the decision in *State v. Powell*, 487 P. 609 (Alaska App. 2021) to the extent that it held that testimony may not be summarized at grand jury under Alaska Rule of Evidence 801(d)(3).

Section 2. This section amends stalking in the first degree (class C felony) to include situations where an individual continues to stalk someone in violation of a stalking or sexual assault protective order.

Section 3. If a person is being sentenced for a violation of a condition of release under AS 11.56.757, this section requires the court to impose some additional time for the underlying offense and any additional crimes of violation of a condition of release.

Section 4. This section amends AS 12.63.010(b) to require a person who must register as a sex offender to report additional information, such as professional licensing information and passport information, to the Department of Public Safety.

Section 5. This section makes a conforming amendment in AS 12.63.010(d) to account for the changes made in section 6.

Section 6. This section adds two new subsections to AS 12.63.010 that require a person who must register as a sex offender to notify the Department of Public Safety if the person plans to leave the state or is away from any address provided to the department for seven days or more.

Section 7. This section amends AS 12.63.020(a) to clarify the duration of the tolling period for sex offenders who are in noncompliance with the chapter. The tolling will be day for day.

Section 8. This section corrects a cross reference AS 11.61.123 and makes sexual penetration with a corpse and sex trafficking in the first and second degrees registerable.

Section 9. This section amends the definition of “crime involving domestic violence” to include the crimes of unlawful contact and interfering with a report of a crime of domestic violence.

Section 10. This section amends AS 47.14.300(a) to allow multidisciplinary child protection teams to assist in the evaluation and investigation of cases involving reports of sexual contact and sexual penetration where both the perpetrator and the victim are children under the age of 13. The purpose of this section is to be able to provide both children the resources necessary to address this type of behavior.

Section 11. This section makes the applicability section in ch. 4, FSSLA 2019 (HB 49), retroactive as it pertains to the requirement for sex offenders who have to register in another state to also register in Alaska when they are present in Alaska regardless of when they were convicted.

Section 12. This section is a direct court rule amendment allowing witnesses to summarize the testimony of other witnesses before the grand jury if the prosecutor believes that that evidence would be admissible at trial.

Section 13. This section repeals AS 12.40.110, which allows out of court statements provided by children in sex offense cases to be presented to the grand jury. The amendments made in sec. 10 of the bill, alleviate the need for this statute.

Section 14. This section is the applicability section.

Section 15. This section is the conditional effect section for the court rule change.

Section 16. This section makes the bill effective July 1, 2023.