

CS FOR HOUSE BILL NO. 9 (JUD)

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTIETH LEGISLATURE - FIRST SESSION

BY THE HOUSE JUDICIARY COMMITTEE

Offered: 1/27/97
Referred: Finance

Sponsor(s): REPRESENTATIVES PORTER, Green

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to the right of crime victims and victims of juvenile offenses
2 to be present at court proceedings; and amending Rule 615, Alaska Rules of
3 Evidence."

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

5 * **Section 1.** PURPOSE. The purpose of this Act is to clarify that the right of crime
6 victims "to be present at all criminal or juvenile proceedings where the accused has the right
7 to be present," which is a right protected under art. I, sec. 24, of the state constitution, may
8 not be abridged by the sequestration rule applicable to most witnesses.

9 * **Sec. 2.** AS 09.20.180 is amended to read:

10 **Sec. 09.20.180. Exclusion of witnesses from courtroom. Except as**
11 **provided in AS 12.50.200 and AS 47.12.110(b), upon** [UPON] the request of either
12 party the judge may exclude from the courtroom any witness of the adverse party not
13 under examination at the time so that the witness may not hear the testimony of other
14 witnesses.

1 * **Sec. 3.** AS 12.50 is amended by adding a new section to read:

2 **Article 3. Victim Witnesses.**

3 **Sec. 12.50.200. Victim may not be excluded from courtroom.** A court may
4 not exclude the victim of an alleged crime from the courtroom during testimony that
5 occurs when the accused has the right to be present even if the victim is likely to be
6 called as a subsequent witness. In this section, "victim" has the meaning given in
7 AS 12.55.185.

8 * **Sec. 4.** AS 47.12.110(b) is amended to read:

9 (b) Notwithstanding (a) of this section, the victim of an offense that a minor
10 is alleged to have committed, or the designee of the victim, has a right to be present
11 at all hearings held under this section. If the minor is found to have committed the
12 offense, the victim may at the disposition hearing give sworn testimony or make an
13 unsworn oral presentation concerning the offense and its effect on the victim. If there
14 are numerous victims of a minor's offense, the court may limit the number of victims
15 who may give sworn testimony or make an unsworn oral presentation, but the court
16 may not limit the right of a victim to attend a hearing **even if the victim is likely to**
17 **be a witness in a hearing concerning the minor's alleged offense.**

18 * **Sec. 5.** Rule 615, Alaska Rules of Evidence, is amended to read:

19 **Rule 615. Exclusion of Witnesses.** At the request of a party the court may
20 order witnesses excluded so that they cannot hear the testimony of other witnesses, and
21 it may make the order on its own motion. This rule does not authorize exclusion of

22 (1) a party who is a natural person; [, OR]

23 (2) an officer or employee of a party which is not a natural person
24 designated as its representative by its attorney; [, OR]

25 (3) a person whose presence is shown by a party to be important to the
26 presentation of **the party's [HIS] cause; or**

27 **(4) the victim of the alleged crime or juvenile offense during**
28 **criminal or juvenile proceedings when the accused has the right to be present; in**
29 **this paragraph, "victim" has the meaning given in AS 12.55.185.**

30 * **Sec. 6.** COURT RULE CHANGE. Sections 2 - 5 of this Act have the effect of
31 amending Rule 615, Alaska Rules of Evidence, by making the witness exclusion rule

1 inapplicable to victims of offenses.

2 * **Sec. 7.** APPLICABILITY. This Act applies to a criminal or juvenile hearing held on or
3 after the effective date of this Act, regardless of when the criminal or juvenile proceeding
4 commenced.

5 * **Sec. 8.** This Act takes effect only if sec. 6 of this Act receives the two-thirds majority
6 vote of each house required by art. IV, sec. 15, Constitution of the State of Alaska.