

SENATE BILL NO. 295

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTIETH LEGISLATURE - SECOND SESSION

BY SENATORS PARNELL, Phillips

Introduced: 2/12/98

Referred: Judiciary, Finance

A BILL

FOR AN ACT ENTITLED

1 **"An Act relating to children and crimes involving children."**

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

3 * **Section 1.** AS 11.41 is amended by adding a new section to read:

4 **Sec. 11.41.310. Luring or enticing child.** (a) A person commits the crime
5 of luring or enticing a child if the person lures or entices a child under 12 years of age
6 into a building, dwelling, or vehicle for an unlawful purpose.

7 (b) For purposes of this section, the luring or enticing of a child under 12
8 years of age into a building, dwelling, or vehicle without the consent of a parent or
9 legal guardian of the child is prima facie evidence of an unlawful purpose.

10 (c) It is an affirmative defense to a prosecution under this section that the
11 person

12 (1) reasonably believed that the person's action in luring or enticing the
13 child was necessary to prevent the child from being seriously injured;

14 (2) lured or enticed the child for a lawful purpose; or

15 (3) acted reasonably under the circumstances, and the person did not

1 have an intent to harm the health, safety, or welfare of the child.

2 (d) In this section, "vehicle" has the meaning given in AS 28.40.100.

3 (e) Luring or enticing a child is a class B felony.

4 * **Sec. 2.** AS 47.17 is amended by adding a new section to read:

5 **Sec. 47.17.033. Dual investigations.** (a) Notwithstanding AS 47.17.030,
6 when requested by the Alaska state troopers or a municipal police department, the
7 department shall enter into an agreement with the Alaska state troopers or with a
8 municipal police department to allow that law enforcement agency to assume the lead
9 role in conducting a potential criminal investigation within the jurisdiction of the law
10 enforcement agency as well as partial or full responsibility for conducting the portions
11 of child protective investigations under this chapter and AS 47.10 that relate to cases
12 involving criminal investigations within the jurisdiction of the law enforcement agency.
13 The written agreement must specify how the requirements of AS 47.17 will be met.
14 For the purposes of the agreement and investigations conducted under the agreement,
15 the law enforcement agency may share all criminal justice information concerning the
16 investigation with the department.

17 (b) An agreement entered under (a) of this section must include

18 (1) an assurance by the law enforcement agency that the agency will
19 comply with all the requirements of this chapter and AS 47.10;

20 (2) a description of a protocol to be followed between the department
21 and the law enforcement agency that addresses the following:

22 (A) response to reports of abuse and neglect;

23 (B) investigations;

24 (C) assessments of risk;

25 (D) evidence gathering;

26 (E) classification of reports;

27 (F) appeals of classifications;

28 (G) communication and involvement with the Department of

29 Law;

30 (H) confidentiality of reports and access to information;

31 (I) use of the department; and

1 (J) storage and maintenance of records and other information;
2 (3) a description of the transition of responsibility to ensure the
3 integrity and continuity of child protection investigations; and

4 (4) a description of necessary changes to department rules.

5 (c) The agreement must provide that

6 (1) all reports of neglect or abuse shall continue to be reported to the
7 department as required under this chapter;

8 (2) upon receiving a report of neglect or abuse, the department shall
9 initially investigate that report as provided in this chapter;

10 (3) the department shall notify the Department of Law of any report
11 that, or upon discovery during the course of providing services to a child that, a child
12 died as a result of abuse or neglect or that a child was the victim of a crime against
13 a person under AS 11.41.

14 (d) The department shall provide training concerning the agency's duties under
15 this chapter and AS 47.10 regarding child protection investigations to each law
16 enforcement agency that has entered into an agreement with the department under (a)
17 of this section.

18 (e) The department shall either approve or disapprove a proposed agreement
19 under this section within 60 days after the department receives the proposed
20 agreement. During the 60-day period, the department may negotiate changes to the
21 agreement.