

CS FOR SENATE BILL NO. 295(JUD)

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTIETH LEGISLATURE - SECOND SESSION

BY THE SENATE JUDICIARY COMMITTEE

Offered: 3/26/98
Referred: Finance

Sponsor(s): SENATORS PARNELL, Phillips

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

11 (d) Luring or enticing a child is a class C felony.

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

13 **Sec. 47.17.033. Dual investigations.** (a) Notwithstanding AS 47.17.030,
14 when requested by the Alaska state troopers or a municipal police department, the
15 department shall enter into an agreement with the Alaska state troopers or with a

1 municipal police department to allow that law enforcement agency to assume the lead
2 role in conducting a potential criminal investigation within the jurisdiction of the law
3 enforcement agency as well as partial or full responsibility for conducting the portions
4 of child protective investigations under this chapter and AS 47.10 that relate to cases
5 involving criminal investigations within the jurisdiction of the law enforcement agency.
6 The written agreement must specify how the requirements of this chapter will be met.
7 For the purposes of the agreement and investigations conducted under the agreement,
8 the law enforcement agency may share all criminal justice information concerning the
9 investigation with the department.

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

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

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

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

16 (B) investigations;

17 (C) assessments of risk;

18 (D) evidence gathering;

19 (E) classification of reports;

20 (F) appeals of classifications;

21 (G) communication and involvement with the Department of

22 Law;

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

24 (I) use of the department; and

25 (J) storage and maintenance of records and other information;

26 (3) a description of the transition of responsibility to ensure the
27 integrity and continuity of child protection investigations; and

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

29 (c) The agreement must provide that

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

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

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

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

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