

SENATE CS FOR CS FOR HOUSE BILL NO. 67(JUD)

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-FIRST LEGISLATURE - SECOND SESSION

BY THE SENATE JUDICIARY COMMITTEE

Offered: 3/22/00

Referred: Rules

Sponsor(s): REPRESENTATIVES ROKEBERG, Dyson, Croft, Harris, Halcro, Murkowski

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to release of certain persons alleged to have committed certain
2 sexual offenses."

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

4 * Section 1. AS 12.30 is amended by adding a new section to read:

5 Sec. 12.30.029. Release in sexual abuse and sexual assault cases. (a)

6 Before ordering release before trial of a person charged with a crime under
7 AS 11.41.410 - 11.41.438 or 11.41.450 - 11.41.458, the court shall consider the safety
8 of the alleged victim. The court may impose bail and any of the conditions authorized
9 under AS 12.30.020 and any other condition necessary to protect the alleged victim
10 and the public and to assure the appearance of the person in court.

11 (b) The court may impose any of the following conditions on a person charged
12 with an offense under AS 11.41.410 - 11.41.438 or 11.41.450 - 11.41.458

13 (1) that the person have no contact with the alleged victim except as
14 specifically allowed by the court;

1 (2) that the person reside in a place where the person is not likely to
2 come into contact with the alleged victim of the offense; and

3 (3) if the person is on medication, that the person take the medication
4 as prescribed.

5 (c) Before a judicial officer releases a person charged with an offense under
6 AS 11.41.410 - 11.41.438 or 11.41.450 - 11.41.458, the court shall

7 (1) assure that the alleged victim, or the alleged victim's parent or
8 guardian if the alleged victim is under 18 years of age, has been notified by a law
9 enforcement agency or the prosecuting attorney of the hearing where the release is
10 being considered, or a reasonable effort at notification has been made;

11 (2) solicit comments from the victim or the victim's parent or guardian
12 who is present and wishes to comment and consider those comments before making
13 a decision to release the person.

14 * **Sec. 2.** AS 12.30.040(b) is amended to read:

15 (b) Notwithstanding the provisions of (a) of this section, a person may not be
16 released on bail either before sentencing or pending appeal if the person has been
17 convicted of an offense that is

18 (1) an unclassified felony or a class A felony; [OR]

19 (2) a class B or class C felony if the person has been previously
20 convicted of an offense in this state that is an unclassified felony, a class A felony, or
21 a violation of AS 11.41.260, 11.41.420 - 11.41.425, or 11.41.436 - 11.41.438 or of an
22 offense in another jurisdiction with elements substantially similar to an offense of this
23 state described in this paragraph; or

24 (3) a crime under AS 11.41.410 - 11.41.438 or 11.41.450 - 11.41.458
25 unless the court finds, if not released on bail, the person will remain in custody
26 before

27 (A) sentencing for a greater period than the term of
28 imprisonment the person is likely to be sentenced to serve; or

29 (B) appeal for a greater period than the term of
30 imprisonment the person was sentenced to serve.

31 * **Sec. 3.** The uncodified law of the State of Alaska is amended by adding a new section

1 to read:

2 APPLICABILITY. This Act applies to criminal proceedings occurring on or after the
3 effective date of this Act regardless of whether the criminal offense occurred before, on, or
4 after the effective date of this Act.