

**HOUSE CS FOR CS FOR SENATE BILL NO. 4(JUD)**

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-FIRST LEGISLATURE - FIRST SESSION

BY THE HOUSE JUDICIARY COMMITTEE

Offered: 5/13/99

Referred: Finance

Sponsor(s): SENATORS HALFORD, Donley, Green, Leman, Taylor, Wilken, Tim Kelly, Lincoln, Ellis, Parnell, Mackie, Miller, Pete Kelly, Ward

REPRESENTATIVE Porter

**A BILL**

**FOR AN ACT ENTITLED**

1 "An Act relating to victims' rights; relating to establishing an office of victims'  
2 rights; relating to compensation of victims of violent crimes; relating to eligibility  
3 for a permanent fund dividend for persons convicted of and incarcerated for  
4 certain offenses; relating to notice of appropriations concerning victims' rights;  
5 amending Rule 16, Alaska Rules of Criminal Procedure, Rule 9, Alaska  
6 Delinquency Rules, and Rule 501, Alaska Rules of Evidence; and providing for  
7 an effective date."

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

9 \* **Section 1.** SHORT TITLE. This Act may be known as the Crime Victims' Rights and  
10 Advocacy Act of 1999.

11 \* **Sec. 2.** AS 12.55.023(b) is amended to read:

12 (b) A victim may submit to the sentencing court a written statement that the  
13 victim believes is relevant to the sentencing decision [,] and may give sworn testimony

1 or make an unsworn oral presentation to the court at the sentencing hearing. If there  
 2 are numerous victims, the court may reasonably limit the number of victims who may  
 3 give sworn testimony or make an unsworn oral presentation during the hearing. **When**  
 4 **requested by the victim of a felony or a class A misdemeanor, if the class A**  
 5 **misdemeanor is a crime involving domestic violence or a crime against a person**  
 6 **under AS 11.41, when the victim does not submit a statement, give testimony, or**  
 7 **make an oral presentation, the victims' advocate may submit a written statement**  
 8 **or make an unsworn oral presentation at the sentencing hearing on behalf of the**  
 9 **victim.**

10 \* **Sec. 3.** AS 18.67.130(c) is amended to read:

11 (c) Compensation may not be awarded under this chapter in an amount in  
 12 excess of **\$30,000** [\$25,000] per victim per incident. However, in the case of the death  
 13 of

14 **(1)** a victim who has more than one dependent eligible for  
 15 compensation, the total compensation that may be awarded as a result of that death  
 16 may not exceed **\$50,000; the** [\$40,000. THE] board may prorate the total awarded  
 17 among those dependents according to relative need; **or**

18 **(2)** **two or more victims in the same incident who jointly have a**  
 19 **dependent eligible for compensation, the total compensation that may be awarded**  
 20 **as a result of those deaths may not exceed \$50,000.**

21 \* **Sec. 4.** AS 24.60.990(a)(9) is amended to read:

22 (9) "legislative director" means the director of the legislative finance  
 23 division, the legislative auditor, the director of the legislative research agency, the  
 24 ombudsman, **the victims' advocate**, the executive director of the Legislative Affairs  
 25 Agency, and the directors of the divisions within the Legislative Affairs Agency;

26 \* **Sec. 5.** AS 24 is amended by adding a new chapter to read:

27 **Chapter 65. Office of Victims' Rights.**

28 **Sec. 24.65.010. Office of victims' rights.** There is created in the legislative  
 29 branch of the state the office of victims' rights. The victims' advocate is the director  
 30 of the office of victims' rights.

31 **Sec. 24.65.020. Appointment of the victims' advocate.** (a) A candidate for

1 appointment as the victims' advocate shall be nominated by the victims' advocate  
2 selection committee composed of three members of the senate appointed by the  
3 president of the senate and three members of the house of representatives appointed  
4 by the speaker of the house. One member of a minority party caucus in each house  
5 shall be appointed to the selection committee.

6 (b) The victims' advocate selection committee shall examine persons to serve  
7 as victims' advocate regarding their qualifications and ability and shall place the name  
8 of the person selected in nomination. The appointment is effective if the nomination  
9 is approved by a roll call vote of two-thirds of the members of the legislature in joint  
10 session. The vote on the appointment shall be entered in the journals of both houses.

11 **Sec. 24.65.030. Qualifications.** A person may not serve as victims' advocate

12 (1) unless the person has been a resident of the state for the three years  
13 immediately preceding the person's appointment;

14 (2) unless the person has been engaged in the active practice of law for  
15 the three years immediately preceding the person's appointment;

16 (3) unless the person has significant experience in criminal law;

17 (4) unless the person is an attorney licensed to practice law in this  
18 state;

19 (5) within one year of the last day on which the person served as a  
20 member of the legislature;

21 (6) while the person is a candidate for or holds another national, state,  
22 or municipal office; the victims' advocate may not become a candidate for national,  
23 state, or municipal office until one year has elapsed from the date the victims' advocate  
24 vacates the office of victims' advocate;

25 (7) while the person is engaged in another occupation for which the  
26 person receives compensation;

27 (8) unless the person is at least 21 years of age and is a qualified voter.

28 **Sec. 24.65.040. Term of office.** (a) The term of office of the victims'  
29 advocate is five years. A victims' advocate may be reappointed but may not serve for  
30 more than three terms.

31 (b) If the term of a victims' advocate expires without the appointment of a

1 successor under this chapter, the incumbent victims' advocate may continue in office  
2 until a successor is appointed. If the victims' advocate dies, resigns, becomes  
3 ineligible to serve, or is removed or suspended from office, the person appointed as  
4 acting victims' advocate under AS 24.65.070(a) serves until a new victims' advocate  
5 is appointed for a full term.

6 **Sec. 24.65.050. Removal.** The legislature, by a concurrent resolution adopted  
7 by a roll call vote of two-thirds of the members of each house entered in the journal,  
8 may remove or suspend the victims' advocate from office, but only for neglect of duty,  
9 misconduct, or disability.

10 **Sec. 24.65.060. Compensation.** The victims' advocate is entitled to receive  
11 an annual salary equal to Step A, Range 26, on the salary schedule set out in  
12 AS 39.27.011(a) for Juneau.

13 **Sec. 24.65.070. Staff and delegation.** (a) The victims' advocate shall appoint  
14 a person to serve as acting victims' advocate in the absence of the victims' advocate.  
15 The victims' advocate shall also appoint assistants and clerical personnel necessary to  
16 carry out the provisions of this chapter. Subject to AS 36.30.020, the victims' advocate  
17 may enter into personal services and other contracts the victims' advocate finds  
18 necessary to carry out the provisions of this chapter.

19 (b) The victims' advocate may delegate to the assistants any of the victims'  
20 advocate's duties except those specified in AS 24.65.150 and 24.65.160; however,  
21 during the victims' advocate's absence from the principal business offices, the victims'  
22 advocate may delegate the duties specified in AS 24.65.150 and 24.65.160 to the  
23 acting victims' advocate for the duration of the absence. The duties specified in  
24 AS 24.65.150 and 24.65.160 shall be performed by the acting victims' advocate when  
25 serving under AS 24.65.040(b).

26 (c) The victims' advocate and the staff appointed by the victims' advocate are  
27 in the exempt service under AS 39.25.110 and are not subject to the employment  
28 policies under AS 24.10 or AS 24.20.

29 **Sec. 24.65.080. Office facilities and administration.** (a) Subject to  
30 restrictions and limitations imposed by the executive director of the Legislative Affairs  
31 Agency, the administrative facilities and services of the Legislative Affairs Agency,

1 including computer, data processing, and teleconference facilities, may be made  
 2 available to the victims' advocate to be used in the management of the office of  
 3 victims' rights and to carry out the purposes of this chapter.

4 (b) The salary and benefits of the victims' advocate and the permanent staff  
 5 of the victims' advocate shall be paid through the same procedures used for payment  
 6 of the salaries and benefits of other permanent legislative employees.

7 (c) The victims' advocate shall submit a budget for each fiscal year to the  
 8 Alaska Legislative Council, and the council shall annually submit an estimated budget  
 9 to the governor for information purposes in the preparation of the executive budget.  
 10 After reviewing and approving, with or without modifications, the budget submitted  
 11 by the victims' advocate, the council shall submit the approved budget to the finance  
 12 committees of the legislature.

13 **Sec. 24.65.090. Procedure.** (a) The victims' advocate shall, by regulations  
 14 adopted under AS 44.62 (Administrative Procedure Act), establish procedures for  
 15 advocacy on behalf of crime victims, receiving and processing complaints, conducting  
 16 investigations, reporting findings, and ensuring that confidential information obtained  
 17 by the victims' advocate in the course of advocacy on behalf of a crime victim or in  
 18 the course of an investigation will not be improperly disclosed. The victims' advocate  
 19 may establish procedures so that advocacy and investigations on behalf of crime  
 20 victims in felony cases take a priority over advocacy and investigations on behalf of  
 21 crime victims in misdemeanor cases.

22 (b) The office of victims' rights may not charge fees for the submission or  
 23 investigation of complaints.

24 **Sec. 24.65.100. Jurisdiction; duties.** (a) The victims' advocate has  
 25 jurisdiction to advocate on behalf of crime victims of felony offenses or class A  
 26 misdemeanors, if the class A misdemeanor is a crime involving domestic violence or  
 27 a crime against a person under AS 11.41, in the courts of the state and to investigate  
 28 the complaints of crime victims of felony offenses or class A misdemeanors, if the  
 29 class A misdemeanor is a crime involving domestic violence or a crime against a  
 30 person under AS 11.41, that they have been denied their rights under the constitution  
 31 and the laws of the state. In this subsection, "crime involving domestic violence" has

1 the meaning given in AS 18.66.990.

2 (b) The victims' advocate shall exercise reasonable care to

3 (1) ensure that the victims' advocate's exercise of jurisdiction granted  
4 under this section does not interfere with an ongoing criminal investigation or with a  
5 criminal prosecution;

6 (2) prevent employees of the office of victims' rights from making  
7 extrajudicial statements that the victims' advocate is prohibited from making under the  
8 Alaska Rules of Professional Conduct.

9 (c) The victims' advocate may not advise, counsel, or advocate on behalf of  
10 a victim in a way that would

11 (1) prevent or discourage a victim from cooperating in a criminal  
12 investigation;

13 (2) encourage a victim to withhold evidence in a criminal investigation;  
14 or

15 (3) prevent or discourage a victim from testifying in a criminal  
16 proceeding.

17 **Sec. 24.65.110. Advocacy on behalf of crime victims; records.** (a) The  
18 victims' advocate shall assist crime victims in obtaining the rights crime victims are  
19 guaranteed under the constitution and laws of the state with regard to the contacts  
20 crime victims have with the justice agencies of the state.

21 (b) The victims' advocate may make the statement a crime victim is authorized  
22 to make under art. I, sec. 24, Constitution of the State of Alaska, and AS 12.55.023,  
23 in a court of the state when requested by the crime victim and when the crime victim  
24 does not personally make a statement.

25 (c) When advocating on behalf of a crime victim in an ongoing criminal case  
26 or juvenile adjudication, the victims' advocate is entitled to all information available  
27 to the defendant or juvenile.

28 (d) Records obtained by the victims' advocate shall remain in the exclusive  
29 custody of the victims' advocate. The victims' advocate may not disclose confidential  
30 information to any person.

31 **Sec. 24.65.120. Investigations.** (a) The victims' advocate may investigate

1 complaints from crime victims that they have been denied the rights they are  
2 guaranteed under the constitution and laws of this state.

3 (b) In an investigation, the victims' advocate may

4 (1) make inquiries and obtain information considered necessary;

5 (2) hold private hearings; and

6 (3) notwithstanding other provisions of law, have access at all times to  
7 records of justice agencies, including court records of criminal prosecutions and  
8 juvenile adjudications, necessary to ensure that the rights of crime victims are not  
9 being denied; with regard to court and prosecution records, the victims' advocate is  
10 entitled to obtain access to every record that the defendant is entitled to access or  
11 receive.

12 (c) The victims' advocate shall maintain confidentiality with respect to all  
13 matters and the identities of the complainants or witnesses coming before the victims'  
14 advocate except insofar as disclosures may be necessary to enable the victims' advocate  
15 to carry out duties and to support recommendations. However, the victims' advocate  
16 may not disclose a confidential record obtained from a court or justice agency.

17 **Sec. 24.65.130. Powers.** (a) Subject to the privileges that witnesses have in  
18 the courts of this state, the victims' advocate may compel by subpoena, at a specified  
19 time and place, the

20 (1) appearance and sworn testimony of a person who the victims'  
21 advocate reasonably believes may be able to give information relating to a matter  
22 under investigation under AS 24.65.120; and

23 (2) production by a person of a record or object that the victims'  
24 advocate reasonably believes may relate to the matter under investigation under  
25 AS 24.65.120.

26 (b) If a person refuses to comply with a subpoena issued under (a) of this  
27 section, the superior court may, on application of the victims' advocate, compel  
28 obedience by proceedings for contempt in the same manner as in the case of  
29 disobedience to the requirements of a subpoena issued by the court or refusal to testify  
30 in the court.

31 (c) This section does not authorize the victims' advocate to issue a subpoena

1 to

2 (1) a justice, judge, magistrate, or a law clerk acting under the direction  
3 of a justice, judge, or magistrate, concerning a judicial action or nonaction taken by,  
4 or under the direction of, the justice, judge, or magistrate;

5 (2) a person acting under the direction of a justice, judge, or magistrate,  
6 other than a law clerk, concerning a judicial action or nonaction taken by, or under the  
7 direction of, a justice, judge, or magistrate except to establish the occurrence or  
8 nonoccurrence of the action or nonaction or the person's own actions or nonactions;  
9 this paragraph does not authorize the victims' advocate to inquire into the decision-  
10 making or thought process of the justice, judge, or magistrate;

11 (3) a member of a jury concerning a matter that was considered by the  
12 jury; or

13 (4) the person accused or convicted of committing the crime that is the  
14 basis for the complaint, and investigation under AS 24.65.120, concerning a denial of  
15 rights.

16 **Sec. 24.65.140. Consultation.** Before giving an opinion or recommendation  
17 that is critical of a justice agency or person as a result of an investigation under  
18 AS 24.65.120, the victims' advocate shall consult with that agency or person. The  
19 victims' advocate may make a preliminary opinion or recommendation available to the  
20 agency or person for review, but the preliminary opinion or recommendation is  
21 confidential and may not be disclosed to the public by the agency or person.

22 **Sec. 24.65.150. Procedure after investigation.** (a) The victims' advocate  
23 shall report the advocate's opinion and recommendations to a justice agency if the  
24 victims' advocate finds, after investigation under AS 24.65.120, that the agency has  
25 denied a crime victim rights the crime victim is guaranteed under the constitution and  
26 laws of this state.

27 (b) The victims' advocate may request the justice agency to notify the victims'  
28 advocate, within a specified time, of any action taken on the recommendations.

29 (c) The report provided under (a) of this section is confidential and may not  
30 be disclosed to the public by the justice agency. The victims' advocate may disclose  
31 the report under AS 24.65.160 only after providing notice that the investigation has

1 been concluded to the agency and after receiving the written approval of the  
2 complainant to release the report.

3 **Sec. 24.65.160. Publication of recommendations.** Except as provided in  
4 AS 24.65.150(c), within a reasonable amount of time after the victims' advocate reports  
5 the advocate's opinion and recommendations to a justice agency, the victims' advocate  
6 may present the opinion and recommendations to the governor, the legislature, a grand  
7 jury, the public, or any of these. The victims' advocate shall include with the opinion  
8 any reply made by the agency.

9 **Sec. 24.65.170. Annual report.** The victims' advocate shall make available  
10 to the public an annual report of the victims' advocate's activities under this chapter  
11 and notify the legislature that the report is available.

12 **Sec. 24.65.180. Judicial review.** A proceeding or decision of the victims'  
13 advocate may be reviewed in superior court only to determine if it is contrary to the  
14 provisions of this chapter.

15 **Sec. 24.65.190. Immunity of the victims' advocate.** A civil action may not  
16 be brought against the victims' advocate or a member of the victims' advocate's staff  
17 for anything done, said, or omitted in performing the victims' advocate's duties or  
18 responsibilities under this chapter.

19 **Sec. 24.65.200. Victims' advocate's privilege not to testify or produce**  
20 **documents or other evidence.** The victims' advocate and the staff of the victims'  
21 advocate may not be compelled to testify or produce documents or other evidence in  
22 a court regarding matters coming to their attention in the exercise or purported exercise  
23 of their official duties except as may be necessary to enforce the provisions of this  
24 chapter.

25 **Sec. 24.65.210. Penalty.** A person who knowingly hinders the lawful actions  
26 of the victims' advocate or the staff of the victims' advocate, or who knowingly refuses  
27 to comply with their lawful demands, is guilty of a misdemeanor and upon conviction  
28 may be punished by a fine of not more than \$1,000. In this section, "knowingly" has  
29 the meaning given in AS 11.81.900.

30 **Sec. 24.65.250. Definitions.** In this chapter,

31 (1) "justice agency" means a department, office, institution, corporation,

1 authority, organization, commission, committee, council, court, or board in the  
 2 executive or judicial branches of the state government that is, in any manner, involved  
 3 with or responsible for the apprehension, prosecution, incarceration, or supervision of  
 4 criminal or juvenile offenders; it also includes an officer, employee, or member of an  
 5 agency acting or purporting to act in the exercise of official duties, including the  
 6 governor and lieutenant governor, when acting with regard to executive clemency,  
 7 judges, and magistrates;

8 (2) "victim" has the meaning given in AS 12.55.185.

9 \* **Sec. 6.** AS 39.25.120(c) is amended by adding a new paragraph to read:

10 (25) the victims' advocate established under AS 24.65.010.

11 \* **Sec. 7.** AS 39.27.022(d) is amended to read:

12 (d) This section applies to employees of the legislature only if the committee  
 13 responsible for adopting employment policies concerning the employee adopts a  
 14 written policy that the section applies. This section applies to the employees of the  
 15 office of the ombudsman only if the ombudsman adopts a policy that the section  
 16 applies. **This section applies to the employees of the office of victims' rights only**  
 17 **if the victims' advocate adopts a policy that the section applies.**

18 \* **Sec. 8.** AS 39.35.385(f) is amended to read:

19 (f) Subject to AS 39.35.450, an employee is eligible for a normal retirement  
 20 benefit at age 60 or an early retirement benefit at age 55 if the employee was first  
 21 hired as a legislative employee before May 30, 1987, and has at least 60 days of  
 22 credited service as an employee of the legislature, other than as an employee of the  
 23 Office of the Ombudsman **or the office of victims' rights**, during each of five  
 24 legislative sessions. An employee who was first hired as a legislative employee on or  
 25 after May 30, 1987, and is otherwise eligible under this subsection must have at least  
 26 80 days of credited service during each of five legislative sessions to receive benefits  
 27 under this subsection.

28 \* **Sec. 9.** AS 43.23.005(d) is amended to read:

29 (d) Notwithstanding the provisions of (a) - (c) of this section, an individual is  
 30 not eligible for a permanent fund dividend for a dividend year when

31 (1) during the qualifying year, the individual was sentenced as a result

1 of conviction in this state of a felony;

2 (2) during all or part of the qualifying year, the individual was  
3 incarcerated as a result of the conviction in this state of a

4 (A) felony; or

5 (B) misdemeanor if the individual has been convicted of

6 **(i) a prior felony as defined in AS 11.81.900; or**

7 **(ii) two or more prior misdemeanors [CRIMES] as**  
8 defined in AS 11.81.900.

9 \* **Sec. 10.** AS 43.23.028 is amended to read:

10 **Sec. 43.23.028. Public notice.** (a) By October 1 of each year, the  
11 commissioner shall give public notice of the value of each permanent fund dividend  
12 for that year and notice of the information required to be disclosed under (3) of this  
13 subsection. In addition, the stub attached to each individual dividend check and direct  
14 deposit advice must

15 (1) disclose the amount of each dividend attributable to income earned  
16 by the permanent fund from deposits to that fund required under art. IX, sec. 15,  
17 Constitution of the State of Alaska;

18 (2) disclose the amount of each dividend attributable to income earned  
19 by the permanent fund from appropriations to that fund and from amounts added to  
20 that fund to offset the effects of inflation;

21 (3) disclose the amount by which each dividend has been reduced due  
22 to each appropriation from the dividend fund, including amounts to pay the costs of  
23 administering the dividend program and the hold harmless provisions of AS 43.23.075;

24 (4) include a statement that an individual is not eligible for a dividend  
25 when

26 (A) during the qualifying year, the individual was convicted of  
27 a felony;

28 (B) during all or part of the qualifying year, the individual was  
29 incarcerated as a result of the conviction of a

30 (i) felony; or

31 (ii) misdemeanor if the individual has been convicted of

1 **a prior felony or** two or more prior **misdemeanors** [CRIMES];

2 (5) include a statement that the legislative purpose for making  
3 individuals listed under (4) of this subsection ineligible is to

4 (A) obtain reimbursement for some of the costs imposed on the  
5 state criminal justice system related to incarceration or probation of those  
6 individuals;

7 (B) provide funds for **services for and** payments to crime  
8 victims and for grants for the operation of domestic violence and sexual assault  
9 programs;

10 (6) disclose the total amount that would have been paid during the  
11 previous fiscal year to individuals who were ineligible to receive dividends under  
12 AS 43.23.005(d) if they had been eligible;

13 (7) disclose the total amount appropriated for the current fiscal year  
14 under (b) of this section for each of the funds and agencies listed in (b) of this section.

15 (b) To the extent that amounts appropriated for a fiscal year do not exceed the  
16 total amount that would have been paid during the previous fiscal year to individuals  
17 who were ineligible to receive dividends under AS 43.23.005(d) if they had been  
18 eligible, the notice requirements of (a)(3) of this section do not apply to appropriations  
19 from the dividend fund to [THE]

20 (1) **the** crime victim compensation fund established under AS 18.67.162  
21 for payments to crime victims;

22 (2) **the** council on domestic violence and sexual assault established  
23 under AS 18.66.010 for grants for the operation of domestic violence and sexual  
24 assault programs; [OR]

25 (3) **the** Department of Corrections for incarceration and probation  
26 programs; **or**

27 **(4) the office of victims' rights.**

28 \* **Sec. 11.** AS 44.62.040(c) is amended to read:

29 (c) Before submitting the regulations and orders of repeal to the lieutenant  
30 governor under (a) of this section, every state agency that by statute possesses  
31 regulation making authority, except boards and commissions, **the office of victims'**

1 rights, and the office of the ombudsman, shall submit to the governor for review a  
 2 copy of every regulation or order of repeal adopted by the agency, except regulations  
 3 and orders of repeal identified in (a)(1) - (2) of this section. The governor may review  
 4 the regulations and orders of repeal received under this subsection. The governor may  
 5 return the regulations and orders of repeal to the adopting agency before they are  
 6 submitted to the lieutenant governor for filing under (a) of this section [,] (1) if they  
 7 are inconsistent with the faithful execution of the laws, or (2) to enable the adopting  
 8 agency to respond to specific issues raised by the Administrative Regulation Review  
 9 Committee. The governor may not delegate the governor's review authority under this  
 10 subsection to a person other than the lieutenant governor.

11 \* **Sec. 12.** AS 44.62.215 is amended to read:

12 **Sec. 44.62.215. Record of public comment.** In the drafting, review, or other  
 13 preparation of a proposed regulation, amendment, or order of repeal, an agency, other  
 14 than a board or commission, the office of victims' rights, and the office of the  
 15 ombudsman, shall keep a record of its use or rejection of factual or other substantive  
 16 information that is submitted in writing as public comment and that is relevant to the  
 17 accuracy, coverage, or other aspect of the proposed regulatory action.

18 \* **Sec. 13.** AS 44.66.050(c) is amended to read:

19 (c) A determination as to whether a board or commission or agency program  
 20 has demonstrated a public need for its continued existence must take into consideration  
 21 the following factors:

22 (1) the extent to which the board, commission, or program has operated  
 23 in the public interest;

24 (2) the extent to which the operation of the board, commission, or  
 25 agency program has been impeded or enhanced by existing statutes, procedures, and  
 26 practices that it has adopted, and any other matter, including budgetary, resource, and  
 27 personnel matters;

28 (3) the extent to which the board, commission, or agency has  
 29 recommended statutory changes that are generally of benefit to the public interest;

30 (4) the extent to which the board, commission, or agency has  
 31 encouraged interested persons to report to it concerning the effect of its regulations and

1 decisions on the effectiveness of service, economy of service, and availability of  
2 service that it has provided;

3 (5) the extent to which the board, commission, or agency has  
4 encouraged public participation in the making of its regulations and decisions;

5 (6) the efficiency with which public inquiries or complaints regarding  
6 the activities of the board, commission, or agency filed with it, with the department  
7 to which a board or commission is administratively assigned, or with the **office of**  
8 **victims' rights or the** office of the ombudsman have been processed and resolved;

9 (7) the extent to which a board or commission that regulates entry into  
10 an occupation or profession has presented qualified applicants to serve the public;

11 (8) the extent to which state personnel practices, including affirmative  
12 action requirements, have been complied with by the board, commission, or agency to  
13 its own activities and the area of activity or interest; and

14 (9) the extent to which statutory, regulatory, budgeting, or other  
15 changes are necessary to enable the agency, board, or commission to better serve the  
16 interests of the public and to comply with the factors enumerated in this subsection.

17 \* **Sec. 14.** AS 44.99.240(2) is amended to read:

18 (2) "state agency" means

19 (A) a department, institution, board, commission, division,  
20 authority, public corporation, or other administrative unit of the executive  
21 branch, including the University of Alaska and the Alaska Railroad  
22 Corporation;

23 (B) a committee, division, or administrative unit of the  
24 legislative branch, including the Alaska Legislative Council, the leadership of  
25 each house, **the office of victims' rights**, and the office of the ombudsman;

26 (C) an administrative unit of the judicial branch, including the  
27 Alaska Judicial Council and the Commission on Judicial Conduct.

28 \* **Sec. 15.** AS 24.65.110 and 24.65.120, added by sec. 5 of this Act, have the effect of  
29 amending Rule 16, Alaska Rules of Criminal Procedure, and Rule 9, Alaska Delinquency  
30 Rules, by allowing the victims' advocate a right of access to information in criminal  
31 prosecutions and juvenile adjudications that is equal to that available to criminal defendants

1 or juveniles when the advocate is engaging in advocacy or that is unlimited when the advocate  
2 is engaging in investigations concerning victims' rights.

3 \* **Sec. 16.** AS 24.65.200, added by sec. 5 of this Act, amends Rule 501, Alaska Rules of  
4 Evidence, by creating a new privilege from being compelled to testify in a court.

5 \* **Sec. 17.** Notwithstanding the effective date of secs. 1 - 8 and 11 - 16 of this Act, to the  
6 extent that there are appropriations for the purpose, the executive director of the Legislative  
7 Affairs Agency may purchase supplies and equipment, obtain office space, and employ clerical  
8 staff so that the office of victims' rights, created in sec. 5 of this Act, is able to begin work  
9 on July 1, 2001.

10 \* **Sec. 18.** Sections 9, 10, and 17 of this Act take effect immediately under  
11 AS 01.10.070(c).

12 \* **Sec. 19.** Sections 1 - 8 and 11 - 16 of this Act take effect July 1, 2001.