

HOUSE BILL NO. 803

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-SECOND LEGISLATURE - FIRST SESSION

BY REPRESENTATIVE ROKEBERG

Introduced: 11/3/00

Referred: House Special Committee on World Trade and State/Federal Relations, State Affairs, Health, Education and Social Services, Finance

A BILL

FOR AN ACT ENTITLED

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

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

4 *** Section 1.** AS 12.30.020(a) is amended to read:

5 (a) A person charged with an offense shall, at that person's first appearance
6 before a judicial officer, be ordered released pending trial on the person's personal
7 recognizance or upon the execution of an unsecured appearance bond in an amount
8 specified by the judicial officer unless **(1) the offense is a violation of AS 11.41.420,**
9 **11.41.425, or 11.41.450 and the alleged victim of the offense is a child under 18**
10 **years of age, a violation of AS 11.41.436 - 11.41.440, 11.41.455, or 11.41.458, or** an
11 unclassified felony or **a** class A felony, **or (2)** [OR UNLESS] the officer determines
12 that the release of the person will not reasonably assure the appearance of the person
13 as required or will pose a danger to the alleged victim, other persons, or the

1 community. If the offense with which a person is charged is a **violation of**
 2 **AS 11.41.440 or a** felony, on motion of the prosecuting attorney, the judicial officer
 3 may allow the prosecuting attorney up to 48 hours to demonstrate that release of the
 4 person on the person's personal recognizance or upon the execution of an unsecured
 5 appearance bond will not reasonably assure the appearance of the person or will pose a
 6 danger to the alleged victim, other persons, or the community.

7 * **Sec. 2.** AS 12.30.020(b) is amended to read:

8 (b) If a judicial officer determines under (a) of this section that the release of a
 9 person will not reasonably assure the appearance of the person, or will pose a danger
 10 to the alleged victim, other persons, or the community, the judicial officer may

11 (1) place the person in the custody of a designated person or
 12 organization agreeing to supervise the person; **if the person is charged with a**
 13 **violation of AS 11.41.410 - 11.41.425 or 11.41.450 in which the victim is alleged to**
 14 **be a child under 18 years of age or a violation of AS 11.41.434 - 11.41.440,**
 15 **11.41.455, or 11.41.458, the judicial officer may not place the person in the**
 16 **custody of a designated person or organization under this paragraph unless the**
 17 **designated person or organization will maintain supervision of the person for 24**
 18 **hours a day except for any periods personally approved by the officers;**

19 (2) place restrictions on the travel, association, or place of abode of the
 20 person during the period of release;

21 (3) require the person to return to custody after daylight hours on
 22 designated conditions;

23 (4) require the execution of an appearance bond in a specified amount
 24 and the deposit in the registry of the court, in cash or other security, a sum not to
 25 exceed 10 percent of the amount of the bond; the deposit to be returned upon the
 26 performance of the condition of release;

27 (5) require the execution of a bail bond with sufficient solvent sureties
 28 or the deposit of cash; or

29 (6) impose any other condition considered reasonably necessary to
 30 assure the defendant's appearance as required and the safety of the alleged victim,
 31 other persons, or the community.

1 *** Sec. 3.** AS 12.30.020 is amended by adding a new subsection to read:

2 (i) Notwithstanding another provision of this section, a judicial officer shall
3 solicit comments from the victim and shall consider those comments before making a
4 decision to release a person who is charged with a violation of AS 11.41.410 -
5 11.41.425 or 11.41.450 in which the victim is alleged to be a child under 18 years of
6 age or of AS 11.41.434 - 11.41.440, 11.41.455, or 11.41.458.

7 *** Sec. 4.** APPLICABILITY. This Act applies to criminal proceedings occurring on or after
8 the effective date of this Act regardless of whether the criminal offense occurred before, on,
9 or after the effective date of this Act.