

SENATE BILL NO. 85

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-SECOND LEGISLATURE - FIRST SESSION

BY SENATOR COWDERY

Introduced: 2/13/01

Referred: Judiciary, Finance

A BILL

FOR AN ACT ENTITLED

1 **"An Act relating to failure to report a crime."**

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

3 *** Section 1.** AS 11.56.765 is repealed and reenacted to read:

4 **Sec. 11.56.765. Failure to report a violent crime.** (a) A person, other than
5 the victim, commits the crime of failure to report a violent crime if the person

6 (1) either

7 (A) is informed by another that the other person has committed
8 or attempted to commit

9 (i) the murder of a person;

10 (ii) the kidnapping of a person;

11 (iii) sexual contact or sexual penetration of a person

12 without the consent of the victim or when the victim was mentally
13 incapable, the victim was incapacitated, or the victim was unaware that
14 a sexual act was being committed;

15 (iv) the assault of a person causing serious physical

1 injury to the victim; or

2 (v) the robbery of a person; or

3 (B) witnesses what the person knows or reasonably should
4 know is

5 (i) the murder or attempted murder of a person by
6 another;

7 (ii) the kidnapping or attempted kidnapping of a person
8 by another;

9 (iii) sexual contact or penetration or attempted sexual
10 contact or penetration by another of a person without the consent of the
11 victim or when the victim is mentally incapable, incapacitated, or
12 unaware that a sexual act is being committed;

13 (iv) the assault of a person by another causing serious
14 physical injury to the victim; or

15 (v) the robbery by another of a person; and

16 (2) does not in a timely manner report that crime to a peace officer or
17 law enforcement agency.

18 (b) In a prosecution under this section, it is an affirmative defense that the
19 defendant

20 (1) did not report in a timely manner because the defendant reasonably
21 believed that doing so

22 (A) would have exposed the defendant or others to a substantial
23 risk of physical injury; or

24 (B) was unnecessary because the person who committed or
25 attempted to commit the crime had already been prosecuted for those particular
26 actions;

27 (2) acted to stop the commission of the crime and stopped

28 (A) the commission of the crime; or

29 (B) the completion of the crime being attempted.

30 (c) In this section,

31 (1) "incapacitated" has the meaning given in AS 11.41.470;

- 1 (2) "mentally incapable" has the meaning given in AS 11.41.470;
- 2 (3) "sexual act" has the meaning given in AS 11.41.470;
- 3 (4) "without consent" has the meaning given in AS 11.41.470.
- 4 (d) Failure to report a violent crime is a class C felony.