

**SENATE BILL NO. 105**

IN THE LEGISLATURE OF THE STATE OF ALASKA  
TWENTY-SECOND LEGISLATURE - FIRST SESSION

**BY SENATORS HALFORD, Donley**

**Introduced: 2/20/01**

**Referred: Judiciary, Finance**

**A BILL**

**FOR AN ACT ENTITLED**

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

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

8 \* **Section 1.** The uncodified law of the State of Alaska is amended by adding a new section  
9 to read:

10 SHORT TITLE. This Act may be known as the Crime Victims' Rights and Advocacy  
11 Act of 2001.

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

13 (b) A victim may submit to the sentencing court a written statement that the

1 victim believes is relevant to the sentencing decision [,] and may give sworn testimony  
 2 or make an unsworn oral presentation to the court at the sentencing hearing. If there  
 3 are numerous victims, the court may **reasonably** limit the number of victims who may  
 4 give sworn testimony or make an unsworn oral presentation during the hearing.

5 **When requested by the victim of a felony or a class A misdemeanor, if the class A**  
 6 **misdemeanor is a crime involving domestic violence or a crime against a person**  
 7 **under AS 11.41, when the victim does not submit a statement, give testimony, or**  
 8 **make an oral presentation, the victims' advocate may submit a written statement**  
 9 **or make an unsworn oral presentation at the sentencing hearing on behalf of the**  
 10 **victim.**

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

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

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

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

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

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

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

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

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

1           **Sec. 24.65.020. Appointment of the victims' advocate.** (a) A candidate for  
 2 appointment as the victims' advocate shall be nominated by the victims' advocate  
 3 selection committee composed of three members of the senate appointed by the  
 4 president of the senate and three members of the house of representatives appointed by  
 5 the speaker of the house. One member of a minority party caucus in each house shall  
 6 be appointed to the selection committee.

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

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

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

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

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

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

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

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

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

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

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

1 (b) If the term of a victims' advocate expires without the appointment of a  
 2 successor under this chapter, the incumbent victims' advocate may continue in office  
 3 until a successor is appointed. If the victims' advocate dies, resigns, becomes  
 4 ineligible to serve, or is removed or suspended from office, the person appointed as  
 5 acting victims' advocate under AS 24.65.070(a) serves until a new victims' advocate is  
 6 appointed for a full term.

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

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

14 **Sec. 24.65.070. Staff and delegation.** (a) The victims' advocate shall appoint  
 15 a person to serve as acting victims' advocate in the absence of the victims' advocate.  
 16 The victims' advocate shall also appoint assistants and clerical personnel necessary to  
 17 carry out the provisions of this chapter. Subject to AS 36.30.020, the victims'  
 18 advocate may enter into personal services and other contracts the victims' advocate  
 19 finds necessary to carry out the provisions of this chapter. The victims' advocate shall,  
 20 to the maximum extent practicable, conduct the duties and work of the office by  
 21 entering into personal services and other contracts the victims' advocate finds  
 22 necessary to carry out the provisions of this chapter.

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

30 (c) The victims' advocate and the staff appointed by the victims' advocate are  
 31 in the exempt service under AS 39.25.110 and are not subject to the employment

1 policies under AS 24.10 or AS 24.20.

2 **Sec. 24.65.080. Office facilities and administration.** (a) Subject to  
3 restrictions and limitations imposed by the executive director of the Legislative Affairs  
4 Agency, the administrative facilities and services of the Legislative Affairs Agency,  
5 including computer, data processing, and teleconference facilities, may be made  
6 available to the victims' advocate to be used in the management of the office of  
7 victims' rights and to carry out the purposes of this chapter.

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

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

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

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

28 **Sec. 24.65.100. Jurisdiction; duties.** (a) The victims' advocate has  
29 jurisdiction to advocate on behalf of crime victims of felony offenses or class A  
30 misdemeanors, if the class A misdemeanor is a crime involving domestic violence or a  
31 crime against a person under AS 11.41, in the courts of the state and to investigate the

1 complaints of crime victims of felony offenses or class A misdemeanors, if the class A  
 2 misdemeanor is a crime involving domestic violence or a crime against a person under  
 3 AS 11.41, that they have been denied their rights under the constitution and the laws  
 4 of the state. In this subsection, "crime involving domestic violence" has the meaning  
 5 given in AS 18.66.990.

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

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

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

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

15 (1) prevent or discourage a victim from cooperating in a criminal  
 16 investigation;

17 (2) encourage a victim to withhold evidence in a criminal  
 18 investigation; or

19 (3) prevent or discourage a victim from testifying in a criminal  
 20 proceeding.

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

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

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

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

4 **Sec. 24.65.120. Investigations.** (a) The victims' advocate may investigate  
5 complaints from crime victims that they have been denied the rights they are  
6 guaranteed under the constitution and laws of this state.

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

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

9 (2) hold private hearings; and

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

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

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

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

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

31 (b) If a person refuses to comply with a subpoena issued under (a) of this

1 section, the superior court may, on application of the victims' advocate, compel  
 2 obedience by proceedings for contempt in the same manner as in the case of  
 3 disobedience to the requirements of a subpoena issued by the court or refusal to testify  
 4 in the court.

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

6 (1) a justice, judge, magistrate, or a law clerk acting under the  
 7 direction of a justice, judge, or magistrate, concerning a judicial action or nonaction  
 8 taken by, or under the direction of, the justice, judge, or magistrate;

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

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

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

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

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

31 (b) The victims' advocate may request the justice agency to notify the victims'

1 advocate, within a specified time, of any action taken on the recommendations.

2 (c) The report provided under (a) of this section is confidential and may not be  
3 disclosed to the public by the justice agency. The victims' advocate may disclose the  
4 report under AS 24.65.160 only after providing notice that the investigation has been  
5 concluded to the agency and after receiving the written approval of the complainant to  
6 release the report.

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

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

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

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

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

29 **Sec. 24.65.210. Penalty.** A person who knowingly hinders the lawful actions  
30 of the victims' advocate or the staff of the victims' advocate, or who knowingly refuses  
31 to comply with their lawful demands, is guilty of a misdemeanor and upon conviction

1 may be punished by a fine of not more than \$1,000. In this section, "knowingly" has  
2 the meaning given in AS 11.81.900.

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

4 (1) "justice agency" means a department, office, institution,  
5 corporation, authority, organization, commission, committee, council, court, or board  
6 in the executive or judicial branches of the state government that is, in any manner,  
7 involved with or responsible for the apprehension, prosecution, incarceration, or  
8 supervision of criminal or juvenile offenders; it also includes an officer, employee, or  
9 member of an agency acting or purporting to act in the exercise of official duties,  
10 including the governor and lieutenant governor, when acting with regard to executive  
11 clemency, judges, and magistrates;

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

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

14 (20) the victims' advocate established under AS 24.65.010 and the  
15 advocate's staff.

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

17 (d) This section applies to employees of the legislature only if the committee  
18 responsible for adopting employment policies concerning the employee adopts a  
19 written policy that the section applies. This section applies to the employees of the  
20 office of the ombudsman only if the ombudsman adopts a policy that the section  
21 applies. **This section applies to the employees of the office of victims' rights only**  
22 **if the victims' advocate adopts a policy that the section applies.**

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

24 (f) Subject to AS 39.35.450, an employee is eligible for a normal retirement  
25 benefit at age 60 or an early retirement benefit at age 55 if the employee was first  
26 hired as a legislative employee before May 30, 1987, and has at least 60 days of  
27 credited service as an employee of the legislature, other than as an employee of the  
28 Office of the Ombudsman **or the office of victims' rights**, during each of five  
29 legislative sessions. An employee who was first hired as a legislative employee on or  
30 after May 30, 1987, and is otherwise eligible under this subsection must have at least  
31 80 days of credited service during each of five legislative sessions to receive benefits

1 under this subsection.

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

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

5 (1) during the qualifying year, the individual was sentenced as a result  
6 of conviction in this state of a felony;

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

9 (A) felony; or

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

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

12 **(ii) two or more prior misdemeanors [CRIMES] as**

13 defined in AS 11.81.900.

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

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

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

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

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

30 (4) include a statement that an individual is not eligible for a dividend  
31 when

1 (A) during the qualifying year, the individual was convicted of  
2 a felony;

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

5 (i) felony; or

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

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

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

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

13 (B) provide funds for **services for and** payments to crime  
14 victims and for grants for the operation of domestic violence and sexual assault  
15 programs;

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

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

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

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

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

31 (3) **the** Department of Corrections for incarceration and probation

1 programs; or

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

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

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

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

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

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

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

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

30 (2) the extent to which the operation of the board, commission, or  
31 agency program has been impeded or enhanced by existing statutes, procedures, and

1 practices that it has adopted, and any other matter, including budgetary, resource, and  
2 personnel matters;

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

5 (4) the extent to which the board, commission, or agency has  
6 encouraged interested persons to report to it concerning the effect of its regulations  
7 and decisions on the effectiveness of service, economy of service, and availability of  
8 service that it has provided;

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

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

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

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

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

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

24 (2) "state agency" means

25 (A) a department, institution, board, commission, division,  
26 authority, public corporation, or other administrative unit of the executive  
27 branch, including the University of Alaska and the Alaska Railroad  
28 Corporation;

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

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

3 \* **Sec. 15.** The uncodified law of the State of Alaska is amended by adding a new section to  
4 read:

5 **INDIRECT COURT RULE AMENDMENT.** AS 24.65.110 and 24.65.120, added by  
6 sec. 5 of this Act, have the effect of amending Rule 16, Alaska Rules of Criminal Procedure,  
7 and Rule 9, Alaska Delinquency Rules, by allowing the victims' advocate a right of access to  
8 information in criminal prosecutions and juvenile adjudications that is equal to that available  
9 to criminal defendants or juveniles when the advocate is engaging in advocacy or that is  
10 unlimited when the advocate is engaging in investigations concerning victims' rights.

11 \* **Sec. 16.** The uncodified law of the State of Alaska is amended by adding a new section to  
12 read:

13 **INDIRECT COURT RULE AMENDMENT.** AS 24.65.200, added by sec. 5 of this  
14 Act, amends Rule 501, Alaska Rules of Evidence, by creating a new privilege from being  
15 compelled to testify in a court.

16 \* **Sec. 17.** The uncodified law of the State of Alaska is amended by adding a new section to  
17 read:

18 **TRANSITION.** Notwithstanding the effective date of secs. 1 - 8 and 11 - 16 of this  
19 Act, to the extent that there are appropriations for the purpose, the executive director of the  
20 Legislative Affairs Agency may purchase supplies and equipment, obtain office space, and  
21 employ clerical staff so that the office of victims' rights, created in sec. 5 of this Act, is able to  
22 begin work on July 1, 2002.

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

25 \* **Sec. 19.** Sections 1 - 8 and 11 - 16 of this Act take effect July 1, 2002.