

**HOUSE BILL NO. 348**

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-THIRD LEGISLATURE - SECOND SESSION

BY REPRESENTATIVES STOLTZE, DAHLSTROM, SAMUELS, AND MCGUIRE, Gruenberg

Introduced: 1/12/04

Referred: Judiciary

**A BILL**

**FOR AN ACT ENTITLED**

1 **"An Act relating to the rights of certain victims of crime to receive information about**  
2 **the office of victims' rights."**

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

4 **\* Section 1.** AS 12.61.010(a) is amended to read:

5 (a) Victims of crimes have the following rights:

6 (1) the right to be present during any proceeding in

7 (A) the prosecution and sentencing of a defendant if the  
8 defendant has the right to be present, including being present during testimony  
9 even if the victim is likely to be called as a witness;

10 (B) the adjudication of a minor as provided under  
11 AS 47.12.110;

12 (2) the right to be notified by the appropriate law enforcement agency  
13 or the prosecuting attorney of the date of trial, sentencing, including a proceeding  
14 before a three-judge panel under AS 12.55.175, an appeal, and any hearing in which

1 the defendant's release from custody is considered;

2 (3) the right to be notified that a sentencing hearing or a court  
3 proceeding to which the victim has been subpoenaed will not occur as scheduled;

4 (4) the right to receive protection from harm and threats of harm  
5 arising out of cooperation with law enforcement and prosecution efforts and to be  
6 provided with information as to the protection available;

7 (5) the right to be notified of the procedure to be followed to apply for  
8 and receive any compensation under AS 18.67;

9 (6) at the request of the prosecution or a law enforcement agency, the  
10 right to cooperate with the criminal justice process without loss of pay and other  
11 employee benefits except as authorized by AS 12.61.017 and without interference in  
12 any form by the employer of the victim of crime;

13 (7) the right to obtain access to immediate medical assistance and not  
14 to be detained for an unreasonable length of time by a law enforcement agency before  
15 having medical assistance administered; however, an employee of the law  
16 enforcement agency may, if necessary, accompany the person to a medical facility to  
17 question the person about the criminal incident if the questioning does not hinder the  
18 administration of medical assistance;

19 (8) the right to make a written or oral statement for use in preparation  
20 of the presentence report of a felony defendant;

21 (9) the right to appear personally at the defendant's sentencing hearing  
22 to present a written statement and to give sworn testimony or an unsworn oral  
23 presentation;

24 (10) the right to be informed by the prosecuting attorney, at any time  
25 after the defendant's conviction, about the complete record of the defendant's  
26 convictions;

27 (11) the right to notice under AS 12.47.095 concerning the status of the  
28 defendant found not guilty by reason of insanity;

29 (12) the right to notice under AS 33.16.087 of a hearing concerning  
30 special medical parole of the defendant;

31 (13) the right to notice under AS 33.16.120 of a hearing to consider or

1 review discretionary parole of the defendant; [AND]

2 (14) the right to notice under AS 33.30.013 of the release or escape of  
3 the defendant; **and**

4 **(15) the right to be notified orally and in writing of and receive**  
5 **information about the office of victims' rights from the law enforcement officer**  
6 **initially investigating the crime and from the prosecuting attorney assigned to the**  
7 **offense; at a minimum, the information provided must include the address,**  
8 **telephone number, and Internet address of the office of victims' rights; this**  
9 **paragraph**

10 **(A) applies only to victims of felonies and to victims of class**  
11 **A misdemeanors if the class A misdemeanor is a crime involving domestic**  
12 **violence or a crime against a person under AS 11.41;**

13 **(B) is satisfied if, at the time of initial contact with the crime**  
14 **victim, the investigating officer and prosecuting attorney each gives each**  
15 **crime victim a brochure or other written material prepared by the office**  
16 **of victims' rights and provided to law enforcement agencies for that**  
17 **purpose.**