

HOUSE BILL NO. 391

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

BY REPRESENTATIVE HEINZE

Introduced: 1/20/04

Referred: Labor and Commerce, Judiciary

A BILL

FOR AN ACT ENTITLED

1 **"An Act relating to employers and to victims of crime."**

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

3 * **Section 1.** AS 12.61.017 is amended to read:

4 **Sec. 12.61.017. Interference by victim's employer.** (a) An employer may
5 not penalize or threaten to penalize a victim because the victim is subpoenaed or
6 requested by the prosecuting attorney to attend a court proceeding for the purpose of
7 giving testimony.

8 **(b) An employer of a victim shall allow the victim to take leave from**
9 **employment to attend a criminal proceeding relating to that crime at which the**
10 **victim has a right to be present. An employer may not threaten to penalize a**
11 **victim for requesting leave under this subsection. An employer may limit the**
12 **amount of leave an employee may take if the employer would suffer undue**
13 **hardship to the employer's business or operations. If leave is limited under this**
14 **subsection, the victim may notify the prosecuting attorney. The prosecuting**
15 **attorney may notify the court, which may take the limitations into consideration**

1 when scheduling proceedings related to the victim. This subsection applies only
2 to

3 (1) an employer who employs six or more persons in the state for
4 each working day during each of 20 or more calendar workweeks in the year in
5 which a victim requests leave to attend a criminal proceeding or in the year
6 preceding that request;

7 (2) a victim who

8 (A) has suffered personal injury from a felony or a person
9 who is a victim by reason of the person's relationship to a minor,
10 incompetent, or incapacitated person who has suffered personal injury or
11 death from a felony; and

12 (B) worked an average of more than 25 hours a week for
13 the employer for at least 180 days immediately before the date the
14 employee takes leave to attend a criminal proceeding.

15 (c) In this section [SUBSECTION], "penalize" means to take action affecting
16 the employment status, wages, and benefits payable to the victim, including

17 (1) demotion or suspension;

18 (2) dismissal from employment; and

19 (3) loss of pay or benefits, except pay and benefits that are directly
20 attributable to the victim's absence from employment to attend the court proceeding.

21 (d) [(b)] A person who violates (a) of this section is guilty of a violation.

22 (e) [(c)] A victim who suffers a pecuniary loss as a result of an employer's act
23 prohibited by this section may bring a civil action to recover actual damages and
24 punitive damages of three times the actual damages sustained.