

(LIMITED RUN SHOWING ALL ADDITIONAL SPONSORSHIPS)

SENATE CS FOR CS FOR HOUSE BILL NO. 397(JUD)

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-THIRD LEGISLATURE - SECOND SESSION

BY THE SENATE JUDICIARY COMMITTEE

Offered: 3/22/04

Referred: Rules

Sponsor(s): REPRESENTATIVES MCGUIRE, Samuels, Dahlstrom, Stoltze, Masek, Lynn, Meyer

SENATORS French, Dyson, Lincoln, Ellis, Elton

A BILL**FOR AN ACT ENTITLED**

1 **"An Act relating to defense contacts with and recordings of statements of victims and**
 2 **witnesses of sexual offenses."**

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

4 *** Section 1.** AS 12.61.125(a) is amended to read:

5 (a) The defendant accused of a sexual offense, the defendant's counsel, or an
 6 investigator or other person acting on behalf of the defendant, may not

7 (1) notwithstanding AS 12.61.120, contact the victim of the offense or
 8 a witness to the offense if the victim or witness, or the parent or guardian of the victim
 9 or witness if the victim or witness is a minor, has informed the defendant or the
 10 defendant's counsel in writing or in person that the victim or witness does not wish to
 11 be contacted by the defense; a victim or witness who has not informed the defendant
 12 or the defendant's counsel in writing or in person that the victim does not wish to be
 13 contacted by the defense is entitled to rights as provided in AS 12.61.120;

14 (2) obtain a statement from the victim of the offense or a witness to the

1 offense, unless,

2 (A) if the statement is taken as a recording, the recording is
3 taken in compliance with AS 12.61.120, **and written authorization is first**
4 **obtained from the victim or witness, or from the parent or guardian of the**
5 **victim or witness if the victim or witness is a minor; the written**
6 **authorization must state that the victim or witness is aware that there is**
7 **no legal requirement that the victim or witness talk to the defense**; or

8 (B) if the statement is not taken as a recording, written
9 authorization is first obtained from the victim or witness, or from the parent or
10 guardian of the victim or witness if the victim or witness is a minor; the written
11 authorization must state that the victim or witness is aware that there is no
12 legal requirement that the victim or witness talk to the defense; a victim or
13 witness making a statement under this subparagraph remains entitled to rights
14 as provided in AS 12.61.120.