

SENATE BILL NO. 330

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

BY SENATOR DYSON

Introduced: 2/13/04

Referred: State Affairs, Judiciary

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to the crime of failure to stop and report a violent crime committed
2 against a child."

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

4 * **Section 1.** AS 11.56.765(a) is amended to read:

5 (a) A person [, OTHER THAN THE VICTIM,] commits the crime of failure
6 to **stop and** report a violent crime committed against a child if the person

7 **(1) is an adult and**

8 **(A)** [(1)] witnesses what the person knows or reasonably
9 should know is

10 **(i)** [(A)] the murder or attempted murder of a child by
11 another;

12 **(ii)** [(B)] the kidnapping or attempted kidnapping of a
13 child by another;

14 **(iii)** [(C)] the sexual penetration **or sexual contact** or

1 attempted sexual penetration **or sexual contact** by another [(i)] of a
 2 child [WITHOUT CONSENT OF THE CHILD; (ii) OF A CHILD
 3 THAT IS MENTALLY INCAPABLE; (iii) OF A CHILD THAT IS
 4 INCAPACITATED; OR (iv) OF A CHILD THAT IS UNAWARE
 5 THAT A SEXUAL ACT IS BEING COMMITTED]; or

6 **(iv)** [(D)] the assault of a child by another causing
 7 serious physical injury to the child; **or**

8 **(B) learns that a child has been the victim of an offense**
 9 **listed in (A)(i) - (iv) of this paragraph and**

10 **(i) the person is in a position of authority in relation**
 11 **to the perpetrator or the child;**

12 **(ii) the person knows or reasonably should know**
 13 **that the perpetrator of the offense is in a position of authority in**
 14 **relation to the child; or**

15 **(iii) the failure to report the crime could reasonably**
 16 **be expected to allow the commission of future crimes by that**
 17 **perpetrator against the same or other children;**

18 (2) knows or reasonably should know that the child is under 16 years
 19 of age; and

20 (3) does not **stop, or make a legitimate attempt to stop, the**
 21 **commission of that crime and,** in a timely manner, report that crime to a peace
 22 officer or law enforcement agency.

23 * **Sec. 2.** AS 11.56.765(b) is amended to read:

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

26 (1) did not **stop or make a legitimate attempt to stop the crime**
 27 **being committed** [REPORT IN A TIMELY MANNER] because the defendant
 28 reasonably believed that doing so would have exposed the defendant or others to a
 29 substantial risk of physical injury; **and** [OR]

30 (2) **reported the crime immediately before or after making the**
 31 **determination in (1) of this subsection** [ACTED TO STOP THE COMMISSION OF

1 THE CRIME AND STOPPED

2 (A) THE COMMISSION OF THE CRIME; OR

3 (B) THE COMPLETION OF THE CRIME BEING

4 ATTEMPTED].

5 * **Sec. 3.** AS 11.56.765(c) is amended by adding a new paragraph to read:

6 (5) "position of authority" has the meaning given in AS 11.41.470.

7 * **Sec. 4.** AS 11.56.765(d) is amended to read:

8 (d) Failure to **stop and** report a violent crime committed against a child is a
9 class A misdemeanor.

10 * **Sec. 5.** AS 11.56.765(c)(1), 11.56.765(c)(2), 11.56.765(c)(3), and 11.56.765(c)(4) are
11 repealed.