



LAWS OF ALASKA

2005

Source
CSHB 54(FIN)

Chapter No.

AN ACT

Relating to bail review; relating to petitions for review by crime victims where the defendant has received a sentence below the sentencing range for the crime; relating to the qualifications of certain members of the Violent Crimes Compensation Board; relating to the introduction of the victim and the defendant or minor to the jury; amending Rule 27, Alaska Rules of Criminal Procedures, and Rule 21, Alaska Delinquency Rules; and providing for an effective date.

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

THE ACT FOLLOWS ON PAGE 1

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1 Relating to bail review; relating to petitions for review by crime victims where the defendant
2 has received a sentence below the sentencing range for the crime; relating to the qualifications
3 of certain members of the Violent Crimes Compensation Board; relating to the introduction of
4 the victim and the defendant or minor to the jury; amending Rule 27, Alaska Rules of
5 Criminal Procedures, and Rule 21, Alaska Delinquency Rules; and providing for an effective
6 date.

7

8 * **Section 1.** AS 12.30.020 is amended by adding a new subsection to read:

9 (j) If a person remains in custody after review of conditions by a judicial
10 officer under (f) of this section, a subsequent review of conditions may be held at the
11 request of the person. Unless the prosecuting authority stipulates otherwise, a judicial
12 officer may not schedule a bail review hearing under this subsection unless

13 (1) the person provides to the court and the prosecuting authority a

1 written statement that information not considered at the previous review will be
2 presented and includes a description of the new information;

3 (2) the prosecuting authority has at least 48 hours' notice before the
4 time set for the review requested under this subsection; and

5 (3) at least 48 hours have elapsed between the previous review and the
6 time set for the review requested under this subsection.

7 * **Sec. 2.** AS 12.30.030(a) is amended to read:

8 (a) A person who remains in custody after a review provided for in
9 AS 12.30.020(f) **or (j)** may move the court having original jurisdiction over the
10 offense to amend the order. The motion shall be determined promptly.

11 * **Sec. 3.** AS 12.45 is amended by adding a new section to article 1 to read:

12 **Sec. 12.45.015. Introduction of victim and defendant to jury.** (a) During
13 jury selection or as part of an opening statement at trial, the prosecuting attorney may
14 introduce the victim to the jury, and the attorney for the defendant may introduce the
15 defendant to the jury.

16 (b) In this section, "victim" has the meaning given in AS 12.55.185.

17 * **Sec. 4.** AS 12.55.120 is amended by adding a new subsection to read:

18 (e) The victim of the crime for which a defendant has been convicted and
19 sentenced may file a petition for review in an appellate court of a sentence that is
20 below the sentencing range for the crime.

21 * **Sec. 5.** AS 18.67.020(a) is amended to read:

22 (a) There is the Violent Crimes Compensation Board in the Department of
23 Administration composed of three members to be appointed by the governor. One of
24 the members shall be designated as **chair** [CHAIRMAN] by the governor. At least
25 one member must be a medical or osteopathic physician licensed to practice in this
26 state **or holding a retired status license in this state** and one member must be an
27 attorney licensed to practice in this state **or retired from practice in this state.**

28 * **Sec. 6.** AS 47.12.110 is amended by adding a new subsection to read:

29 (f) During jury selection or as part of an opening statement at the hearing, the
30 attorney representing the department may introduce the victim to the jury, and the
31 attorney for the minor may introduce the minor to the jury.

1 * **Sec. 7.** The uncodified law of the State of Alaska is amended by adding a new section to
2 read:

3 **INDIRECT COURT RULE AMENDMENT.** Section 3 of this Act has the effect of
4 amending Rule 27, Alaska Rules of Criminal Procedure, by changing the order of proceedings
5 of a trial before a jury.

6 * **Sec. 8.** The uncodified law of the State of Alaska is amended by adding a new section to
7 read:

8 **INDIRECT COURT RULE AMENDMENT.** Section 6 of this Act has the effect of
9 amending Rule 21, Alaska Delinquency Rules, by allowing the introduction of the victim and
10 the minor at an adjudication hearing.

11 * **Sec. 9.** The uncodified law of the State of Alaska is amended by adding a new section to
12 read:

13 **CONDITIONAL EFFECT.** AS 12.45.015, added by sec. 3 of this Act, takes effect
14 only if sec. 7 of this Act receives the two-thirds majority vote of each house required by art.
15 IV, sec. 15, Constitution of the State of Alaska.

16 * **Sec. 10.** The uncodified law of the State of Alaska is amended by adding a new section to
17 read:

18 **CONDITIONAL EFFECT.** AS 47.12.110(f), added by sec. 6 of this Act, takes effect
19 only if sec. 8 of this Act receives the two-thirds majority vote of each house required by art.
20 IV, sec. 15, Constitution of the State of Alaska.

21 * **Sec. 11.** This Act takes effect immediately under AS 01.10.070(c).