

CS FOR HOUSE BILL NO. 54(JUD)

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-FOURTH LEGISLATURE - FIRST SESSION

BY THE HOUSE JUDICIARY COMMITTEE

Offered: 4/5/05

Referred: Finance

Sponsor(s): REPRESENTATIVES SAMUELS AND STOLTZE, Hawker, Dahlstrom

A BILL

FOR AN ACT ENTITLED

1 **"An Act relating to bail review; relating to the introduction of the victim and the**
2 **defendant or minor to the jury; amending Rule 27, Alaska Rules of Criminal**
3 **Procedures, and Rule 21, Alaska Delinquency Rules; and providing for an effective**
4 **date."**

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

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

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

11 (1) the person provides to the court and the prosecuting authority a
12 written statement that information not considered at the previous review will be
13 presented, and includes a description of the new information;

14 (2) the prosecuting authority has at least 48 hours' notice before the

1 time set for the review requested under this subsection; and

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

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

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

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

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

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

14 * **Sec. 4.** AS 47.12.110 is amended by adding a new subsection to read:

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

18 * **Sec. 5.** The uncodified law of the State of Alaska is amended by adding a new section to
19 read:

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

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

25 **INDIRECT COURT RULE AMENDMENT.** Section 4 of this Act has the effect of
26 amending Rule 21, Alaska Delinquency Rules, by allowing the introduction of the victim and
27 the minor at an adjudication hearing.

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

30 **CONDITIONAL EFFECT.** AS 12.45.015, added by sec. 3 of this Act, takes effect
31 only if sec. 5 of this Act receives the two-thirds majority vote of each house required by art.

1 IV, sec. 15, Constitution of the State of Alaska.

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

4 **CONDITIONAL EFFECT.** AS 47.12.110(f), added by sec. 4 of this Act, takes effect
5 only if sec. 6 of this Act receives the two-thirds majority vote of each house required by art.
6 IV, sec. 15, Constitution of the State of Alaska.

7 * **Sec. 9.** This Act takes effect immediately under AS 01.10.070(c).