

SENATE BILL NO. 117

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-FOURTH LEGISLATURE - FIRST SESSION

BY SENATORS FRENCH, Kookesh, Bunde, Dyson, Huggins, Wagoner, Elton, Ellis, Davis, Guess, Stedman, Olson

Introduced: 2/28/05

Referred: Judiciary, Finance

A BILL

FOR AN ACT ENTITLED

1 **"An Act relating to the admissibility into evidence of the prior recorded statement of a**
2 **crime victim less than 16 years of age; and adding Rule 413, Alaska Rules of Evidence,**
3 **and amending Rules 402 and 403, Alaska Rules of Evidence."**

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

5 * **Section 1.** The uncodified law of the State of Alaska is amended by adding a new section
6 to read:

7 DIRECT COURT RULE AMENDMENT. The Alaska Rules of Evidence are
8 amended by adding a new rule to read:

9 **Rule 413. Certain Recorded Statements by Child Victims of Crime**
10 **Relevant and Admissible.** Notwithstanding another provision of these rules, the
11 recorded statement by the victim of a crime who is less than 16 years of age is always
12 relevant and admissible at a proceeding if

13 (1) the recording was made before the proceeding;

14 (2) the victim is present at the proceeding and available to testify;

1 (3) the prosecutor and any attorney representing the defendant were
2 not present when the statement was taken;

3 (4) the recording is on videotape or other format that records both the
4 visual and aural components of the statement;

5 (5) each person who participated in the taking of the statement is
6 identified on the recording;

7 (6) the taking of the statement as a whole was conducted in a manner
8 that would avoid undue influence of the victim;

9 (7) the defense has been provided a reasonable opportunity to view the
10 recording before the proceeding; and

11 (8) the court has viewed the recording and has determined that it is
12 sufficiently reliable and trustworthy and that the interests of justice are best served by
13 admitting the recording into evidence.

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

16 INDIRECT COURT RULE AMENDMENT. Section 1 of this Act has the effect of
17 amending Rules 402 and 403, Alaska Rules of Criminal Procedure, by providing that certain
18 recorded statements of certain victims of crimes are always relevant and admissible.