

**CS FOR SENATE BILL NO. 117(JUD)**

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-FOURTH LEGISLATURE - FIRST SESSION

**BY THE SENATE JUDICIARY COMMITTEE**

**Offered: 4/4/05**

**Referred: Finance**

**Sponsor(s): SENATORS FRENCH, Kookesh, Bunde, Dyson, Huggins, Wagoner, Elton, Ellis, Davis, Guess, Stedman, Olson**

**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 amending Rule 801, Alaska Rules of**  
3 **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. Rule 801(d), Alaska Rules of  
8 Evidence is amended by adding a new paragraph to read:

9 (3) Recorded Statement by Child Victims of Crime. The statement is a  
10 recorded statement by the victim of a crime who is less than 16 years of age and

11 (A) the recording was made before the proceeding;

12 (B) the victim is available for cross-examination;

13 (C) the prosecutor and any attorney representing the defendant

14 were not present when the statement was taken;

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

3 (E) each person who participated in the taking of the statement  
4 is identified on the recording;

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

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

9 (H) the court has had an opportunity to view the recording and  
10 determine that it is sufficiently reliable and trustworthy and that the interests of  
11 justice are best served by admitting the recording into evidence.