

CS FOR SENATE BILL NO. 206(JUD)

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-FOURTH LEGISLATURE - SECOND SESSION

BY THE SENATE JUDICIARY COMMITTEE

Offered: 3/15/06

Referred: Finance

Sponsor(s): SENATOR BUNDE

A BILL

FOR AN ACT ENTITLED

1 **"An Act relating to contempt of court and to temporary detention and identification of**
2 **persons."**

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

4 *** Section 1.** AS 09.50.020(a) is amended to read:

5 (a) A person who is guilty of contempt is punishable by a fine of not more
6 than \$300 or by imprisonment for not more than six months. However, when the
7 contempt is one mentioned in AS 09.50.010(3) - (12), or in an action before a
8 magistrate, the person is punishable by a fine of not more than \$100 unless it appears
9 that a right or remedy of a party to an action or proceeding was defeated or prejudiced
10 by the contempt, **or the failure to honor a subpoena or refusal to be sworn or**
11 **answer as a witness under AS 09.50.010(10) was in connection with a court**
12 **proceeding relating to a felony crime or an appearance before the grand jury,** in
13 which case the penalty shall be as prescribed for contempts described in
14 **AS 09.50.010(1), (2), and (10)** [AS 09.50.010(1) AND (2)].

1 * **Sec. 2.** AS 12.50 is amended by adding a new section to read:

2 **Article 3. Temporary Detention and Identification of Persons.**

3 **Sec. 12.50.201. Temporary detention and identification of persons.** (a) A
4 peace officer may temporarily detain a person under circumstances that give the
5 officer reasonable suspicion that

6 (1) the person

7 (A) witnessed the commission of a crime against a person
8 under AS 11.41 or a felony property crime under AS 11.46; or

9 (B) was at the scene, or in the vicinity, during the commission
10 of a crime against a person under AS 11.41 or a felony property crime under
11 AS 11.46;

12 (2) the person may have information of material aid in the
13 investigation of that crime; and

14 (3) the temporary detention of the person is reasonably necessary to
15 obtain or verify the identification of the person, to obtain an account of the crime, to
16 protect a crime victim from imminent harm, or for other exigent circumstances.

17 (b) A peace officer who temporarily detains a person under (a) of this section
18 may

19 (1) take one or more photographs of the person, if photographs can be
20 taken without unreasonably delaying the person or removing the person from the
21 vicinity;

22 (2) serve a subpoena on the person to appear before the grand jury
23 where the crime was committed, if the person fails to provide valid government-issued
24 photographic identification; and

25 (3) take the person's fingerprint impressions if

26 (A) the person is detained in connection with the investigation
27 of a murder, attempted murder, or misconduct involving weapons in the first
28 degree under AS 11.61.190; and

29 (B) fingerprint impressions can be taken without unreasonably
30 delaying the person or removing the person from the vicinity.

31 (c) A peace officer electing to serve a subpoena under (b) of this section may

1 not require the person to sign the subpoena or another document. The officer or the
2 subpoena must advise the person that failure to honor the subpoena is punishable as
3 criminal contempt of court under AS 09.50.010. A person receiving a subpoena to
4 testify under (b) of this section may request the district attorney to withdraw the
5 subpoena if, before the grand jury proceeding for which the person has been served a
6 subpoena to appear, the person provides the peace officer who served the subpoena
7 with valid government-issued photographic identification.

8 (d) A person who refuses or resists the taking of photographs or fingerprints
9 under this section commits a class B misdemeanor, punishable as provided in
10 AS 12.55, except that a sentence of imprisonment, if imposed, may not exceed 10
11 days.