

AMENDMENT #1

OFFERED IN THE SENATE

BY SENATOR MCGUIRE

TO: SCS CSHB 90(FIN)

1 Page 1, line 1, following "An Act":

2 Insert "**relating to the reporting of certain crimes;**"

3

4 Page 4, following line 26:

5 Insert a new bill section to read:

6 **** Sec. 5.** AS 11.56 is amended by adding a new section to read:

7 **Sec. 11.56.767. Failure to report a violent crime committed against an**
8 **adult.** (a) A person, other than the victim, commits the crime of failure to report a
9 violent crime committed against an adult if the person, under circumstances not
10 requiring the person to report as required by AS 11.56.765,

11 (1) witnesses what the person knows or reasonably should know is

12 (A) the murder or attempted murder of a person by another;

13 (B) the kidnapping or attempted kidnapping of a person by
14 another; or

15 (C) the sexual penetration or attempted sexual penetration by
16 another

17 (i) of a person without consent of the person;

18 (ii) of a person who is mentally incapable;

19 (iii) of a person who is incapacitated; or

20 (iv) of a person who is unaware that a sexual act is
21 being committed; and

22 (2) does not, as soon as reasonably practicable, report that crime to a
23 peace officer or law enforcement agency.

1 (b) In a prosecution under this section, it is an affirmative defense that the
2 defendant

3 (1) did not report as soon as reasonably practicable because the
4 defendant reasonably believed that

5 (A) doing so would have exposed the defendant or others to a
6 substantial risk of physical injury; or

7 (B) effective assistance was already being provided by another
8 person; or

9 (2) acted to stop the commission of the crime and stopped

10 (A) the commission of the crime; or

11 (B) the completion of the crime being attempted.

12 (c) In this section,

13 (1) "incapacitated" has the meaning given in AS 11.41.470;

14 (2) "mentally incapable" has the meaning given in AS 11.41.470;

15 (3) "sexual act" has the meaning given in AS 11.41.470;

16 (4) "without consent" has the meaning given in AS 11.41.470.

17 (d) Failure to report a violent crime committed against an adult is a violation."
18

19 Renumber the following bill sections accordingly.
20

21 Page 19, line 4:

22 Delete "sec. 19"

23 Insert "sec. 20"

24
25 Page 19, line 5:

26 Delete "sec. 19"

27 Insert "sec. 20"

28
29 Page 19, line 7, following "Act,":

30 Insert "AS 11.56.767, added by sec. 5 of this Act,"
31

1 Page 19, line 8:

2 Delete "secs. 5 and 17"

3 Insert "secs. 6 and 18"

4

5 Page 19, line 9:

6 Delete "secs. 4, 5, and 17"

7 Insert "secs. 4 - 6 and 18"

8

9 Page 19, line 10:

10 Delete "sec. 24"

11 Insert "sec. 25"

12

13 Page 19, line 11:

14 Delete "sec. 24"

15 Insert "sec. 25"

16

17 Page 19, line 12:

18 Delete "sec. 24"

19 Insert "sec. 25"

20

21 Page 19, line 14:

22 Delete "Sections 7 - 16, 20, and 22"

23 Insert "Sections 8 - 17, 21, and 23"

24

25 Page 19, line 15:

26 Delete "secs. 7 - 16, 20, and 22"

27 Insert "secs. 8 - 17, 21, and 23"

28

29 Page 19, line 16:

30 Delete "25 - 29"

31 Insert "26 - 30"

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2 Page 19, line 17:

3 Delete "Section 34"

4 Insert "Section 35"

5

6 Page 19, line 18:

7 Delete "secs. 36 and 37"

8 Insert "secs. 37 and 38"