

SENATE BILL NO. 200

IN THE LEGISLATURE OF THE STATE OF ALASKA
TWENTY-FIFTH LEGISLATURE - SECOND SESSION

BY SENATOR THERRIAULT

Introduced: 1/16/08

Referred: State Affairs, Judiciary

A BILL

FOR AN ACT ENTITLED

1 **"An Act making it a crime for a public servant to fail to report certain criminal**
2 **conduct."**

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

4 *** Section 1.** AS 11.56 is amended by adding new sections to read:

5 **Sec. 11.56.865. Public servant's failure to report extortion.** (a) A public
6 servant commits the crime of failure to report extortion if the public servant witnesses
7 and fails to report what the public servant knows or reasonably should know is the
8 obtaining of property by a person by threatening or suggesting that either that person
9 or another may, in connection with a matter that is substantially related to official
10 action by the public servant or another person,

11 (1) inflict physical injury on anyone, except under circumstances
12 constituting robbery in any degree, or commit any other crime;

13 (2) accuse anyone of a crime;

14 (3) expose confidential information or a secret, whether true or false,

1 tending to subject a person to hatred, contempt, or ridicule or to impair the person's
2 credit or business repute;

3 (4) take or withhold action as a public servant or cause a public servant
4 to take or withhold action;

5 (5) bring about or continue a strike, boycott, or other collective
6 unofficial action, if the property is not demanded or received for the benefit of the
7 group in whose interest the person making the threat or suggestion purports to act;

8 (6) testify or provide information or withhold testimony or information
9 with respect to a person's legal claim or defense; or

10 (7) inflict any other harm that would not benefit the person making the
11 threat or suggestion.

12 (b) In this section, "property" means property in which a person has an interest
13 that the person who obtained property under this section is not privileged to infringe,
14 whether or not the person who obtained the property under this section also has an
15 interest in the property and whether or not the person from whom the property is
16 obtained or withheld also obtained the property unlawfully. "Property" does not
17 include property in the possession of the person who, under this section, obtains
18 property in which another has only a security interest, even if legal title is in the
19 secured party under a conditional sales contract or other security agreement. In the
20 absence of a specific agreement to the contrary, the holder of a security interest in
21 property is not privileged to infringe the debtor's right of possession without the
22 consent of the debtor.

23 (c) Failure to report extortion is a class A misdemeanor.

24 **Sec. 11.56.867. Public servant's failure to report coercion.** (a) A public
25 servant commits the crime of failure to report coercion if the public servant witnesses
26 and fails to report what the public servant knows or reasonably should know is the
27 compelling by a person of another to engage in conduct from which there is a legal
28 right to abstain or abstain from conduct in which there is a legal right to engage, by
29 means of instilling in the person who is compelled a fear that, if the demand is not
30 complied with, the person who makes the demand or another may, in connection with
31 a matter that is substantially related to official action by the public servant or another

1 person,

2 (1) inflict physical injury on anyone, except under circumstances
3 constituting robbery in any degree, or commit any other crime;

4 (2) accuse anyone of a crime;

5 (3) expose confidential information or a secret, whether true or false,
6 tending to subject a person to hatred, contempt, or ridicule or to impair the person's
7 credit or business repute;

8 (4) take or withhold action as a public servant or cause a public servant
9 to take or withhold action;

10 (5) bring about or continue a strike, boycott, or other collective
11 unofficial action, if the property is not demanded or received for the benefit of the
12 group in whose interest the person making the threat or suggestion purports to act;

13 (6) testify or provide information or withhold testimony or information
14 with respect to a person's legal claim or defense.

15 (b) Failure to report extortion is a class A misdemeanor.

16 **Sec. 11.56.869. Public servant's failure to report perjury.** (a) A person who
17 is a public servant commits the crime of failure to report perjury if

18 (1) the person witnesses a sworn statement by another public servant
19 and the person knows or reasonably should know that the public servant making the
20 statement does not believe the statement to be true;

21 (2) either the making of the statement or the content of the statement is
22 substantially related to official action by the public servant who makes it; and

23 (3) the person does not, as soon as reasonably practicable, report the
24 statement to a peace officer or law enforcement agency.

25 (b) Failure to report perjury is a class A misdemeanor.

26 * **Sec. 2.** AS 11.56 is amended by adding a new section to article 6 to read:

27 **Sec. 11.56.871. Definitions for AS 11.56.865 - 11.56.871.** In AS 11.56.865 -
28 11.56.871,

29 (1) "official action" means advice, participation, or assistance by a
30 public servant, including, for example, a recommendation, decision, approval,
31 disapproval, vote, or other similar action, including inaction;

1 (2) "report" means to inform a peace officer or law enforcement
2 agency as soon as is reasonably practicable.

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

5 APPLICABILITY. AS 11.56.865, 11.56.867, and 11.56.869, added by sec. 1 of this
6 Act, and AS 11.56.871, added by sec. 2 of this Act, apply to offenses occurring on or after the
7 effective date of this Act.