

SENATE BILL NO. 200

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-SEVENTH LEGISLATURE - SECOND SESSION

BY SENATOR FRENCH

Introduced: 2/17/12

Referred: Judiciary, Finance

A BILL

FOR AN ACT ENTITLED

1 **"An Act establishing certain procedures related to the identification of suspects by**
2 **eyewitnesses to criminal offenses."**

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

4 *** Section 1.** AS 12.50 is amended by adding new sections to read:

5 **Article 4. Identification of Persons by Eyewitnesses.**

6 **Sec. 12.50.300. Eyewitness identification proceedings.** A law enforcement
7 agency conducting eyewitness identification proceedings shall adopt specific
8 procedures for conducting photo and live lineups. The procedures must meet the
9 following minimum requirements:

10 (1) before a photo or live lineup, a law enforcement officer shall record
11 as complete a description as possible of the perpetrator provided by the eyewitness, in
12 the eyewitness's own words; the statement must include information regarding the
13 conditions under which the eyewitness observed the perpetrator, including location,
14 time, distance, obstructions, lighting, weather conditions, any impairments relating to

1 the vision of the eyewitness, or other impairments;

2 (2) an independent administrator shall conduct the lineup;

3 (3) when it is impracticable for an independent or blinded
4 administrator to conduct a photo or live lineup, the administrator shall use a procedure
5 that achieves neutral administration of the lineup that consists of simultaneous
6 presentation of the lineup.

7 **Sec. 12.50.310. Training of law enforcement officers.** The Department of
8 Public Safety shall create, administer, and conduct a training program for law
9 enforcement officers and recruits in the methods, technical aspects, and scientific
10 findings related to eyewitness proceedings under AS 12.50.300 - 12.50.399.

11 **Sec. 12.50.399. Definitions.** For the purposes of AS 12.50.300 - 12.50.399,

12 (1) "administrator" means the person conducting the lineup;

13 (2) "blinded administrator" means an administrator who might know
14 who the suspect is, but does not know which lineup member is being viewed by the
15 eyewitness; "blinded administrator" includes an administrator who conducts a photo
16 lineup through the use of a folder system or substantially similar system;

17 (3) "eyewitness" means a person whose identification by sight of
18 another person may be relevant in a criminal investigation;

19 (4) "independent administrator" means an administrator who is not
20 participating in the investigation of the criminal offense and is unaware of which
21 person in the lineup is the suspect;

22 (5) "law enforcement agency" means a public agency that performs as
23 one of its principal functions an activity relating to crime prevention, control, or
24 reduction or relating to the enforcement of the criminal law; "law enforcement
25 agency" does not include a court;

26 (6) "law enforcement officer" means an employee of a law
27 enforcement agency;

28 (7) "live lineup" means a procedure in which a group of people is
29 displayed to an eyewitness for the purpose of determining if the eyewitness is able to
30 identify the perpetrator of a crime;

31 (8) "photo lineup" means a procedure in which an array of photographs

1 is displayed to an eyewitness for the purpose of determining if the eyewitness is able
2 to identify the perpetrator of a crime;

3 (9) "suspect" means the person believed by law enforcement to be the
4 possible perpetrator of the offense.