

CS FOR HOUSE BILL NO. 67(JUD)

IN THE LEGISLATURE OF THE STATE OF ALASKA

THIRTY-THIRD LEGISLATURE - SECOND SESSION

BY THE HOUSE JUDICIARY COMMITTEE

Offered: 3/6/24

Referred: Finance

Sponsor(s): HOUSE RULES COMMITTEE BY REQUEST OF THE GOVERNOR

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to criminal law and procedure; relating to grand juries; relating to the
2 crime of stalking; relating to consecutive sentencing for violation of conditions of
3 release; relating to the duty to register as a sex offender; amending the definition of 'sex
4 offense'; amending the definition of 'crime involving domestic violence'; relating to
5 multidisciplinary child protection teams; amending Rules 5(e), 6, and 6.1, Alaska Rules
6 of Criminal Procedure; repealing Rules 6.1(b)(2) and (3), Alaska Rules of Criminal
7 Procedure; and providing for an effective date."

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

9 * **Section 1.** The uncodified law of the State of Alaska is amended by adding a new section
10 to read:

11 LEGISLATIVE FINDINGS AND INTENT. (a) The legislature finds that
12 safeguarding the constitution is not solely the responsibility of the courts and that every
13 branch of state government has a duty to uphold the constitution. When the foundational

1 institutions outlined in the constitution are disregarded or marginalized, it is imperative for the
2 legislature to fortify those institutions.

3 (b) It is the intent of the legislature to protect the constitutional rights of citizens of
4 the state by empowering the grand jury to seek justice and minimize trauma to victims while
5 upholding due process.

6 (c) The legislature further finds that a grand jury's constitutional duties to return
7 indictments and investigate matters concerning public welfare and safety are complementary
8 and must be performed in a manner that protects citizens' constitutional rights.

9 (d) It is the intent of the legislature that Rule 6(s), Alaska Rules of Criminal
10 Procedure, as amended by sec. 25 of this Act, overturns the decision of the Alaska Court of
11 Appeals in State v. Powell, 487 P.3d 609 (Alaska App. 2021), to the extent the decision held
12 that hearsay evidence admissible under the hearsay exception under Rule 801(d)(3), Alaska
13 Rules of Evidence, is inadmissible at grand jury if certain foundational requirements cannot
14 be met at the time of grand jury.

15 * **Sec. 2.** AS 09.20.080 is amended by adding a new subsection to read:

16 (c) The jury panel for a grand jury includes not fewer than two alternate
17 jurors. The presiding judge shall designate the alternate jurors at the time a grand jury
18 is selected.

19 * **Sec. 3.** AS 09.20.090 is amended by adding a new subsection to read:

20 (b) When a grand jury is impaneled, the court shall provide the jury with
21 written instructions that include state statutes relating to grand juries.

22 * **Sec. 4.** AS 11.41.260(a) is amended to read:

23 (a) A person commits the crime of stalking in the first degree if the person
24 violates AS 11.41.270 and

25 (1) the actions constituting the offense are in violation of an order
26 issued or filed under **AS 18.65.850 - 18.65.870 or** AS 18.66.100 - 18.66.180 or issued
27 under former AS 25.35.010(b) or 25.35.020;

28 (2) the actions constituting the offense are in violation of a condition of
29 probation, release before trial, release after conviction, or parole;

30 (3) the victim is under 16 years of age;

31 (4) at any time during the course of conduct constituting the offense,

1 the defendant possessed a deadly weapon;

2 (5) the defendant has been previously convicted of a crime under this
3 section, AS 11.41.270, or AS 11.56.740, or a law or ordinance of this or another
4 jurisdiction with elements similar to a crime under this section, AS 11.41.270, or
5 AS 11.56.740; or

6 (6) the defendant has been previously convicted of a crime, or an
7 attempt or solicitation to commit a crime, under (A) AS 11.41.100 - 11.41.250,
8 11.41.300 - 11.41.460, AS 11.56.807, 11.56.810, AS 11.61.118, 11.61.120, or (B) a
9 law or an ordinance of this or another jurisdiction with elements similar to a crime, or
10 an attempt or solicitation to commit a crime, under AS 11.41.100 - 11.41.250,
11 11.41.300 - 11.41.460, AS 11.56.807, 11.56.810, AS 11.61.118, or 11.61.120,
12 involving the same victim as the present offense.

13 * **Sec. 5.** AS 12.40.030 is amended to read:

14 **Sec. 12.40.030. Duty of inquiry into crimes and general powers.** The grand
15 jury shall inquire into all crimes committed or triable within the jurisdiction of the
16 court and present them to the court. The grand jury shall have the power to initiate
17 investigations, investigate, issue indictments consistent with AS 12.40.170, and
18 make recommendations concerning the public welfare or safety. The power of grand
19 juries to investigate and make recommendations concerning the public welfare or
20 safety may not be limited or suspended.

21 * **Sec. 6.** AS 12.40.030 is amended by adding new subsections to read:

22 (b) An individual grand juror may propose that the grand jury investigate a
23 matter concerning the public welfare or safety. If, after a reasonable time for
24 consideration, as established by a majority of the grand jury members, the grand jury
25 determines that the matter should be investigated, the grand jury shall initiate an
26 investigation.

27 (c) For purposes of this section, a matter that concerns a private cause of
28 action, or a matter that could be the basis of a civil claim, does not qualify as a matter
29 concerning the public welfare or safety.

30 * **Sec. 7.** AS 12.40.040 is amended to read:

31 **Sec. 12.40.040. Juror to disclose knowledge of crime.** If an individual grand

juror knows or has reason to believe that a crime has been committed that is triable by the court, the juror shall disclose it to

- (1) the other jurors, who shall investigate it; and
(2) the prosecuting attorney or presiding judge.

* **Sec. 8.** AS 12.40.050 is amended to read:

Sec. 12.40.050. Holding to answer as affecting indictment or presentment.

The grand jury may indict or present a person for a crime upon sufficient evidence, whether that person has been held to answer for the crime or not. The grand jury may direct the prosecutor to prepare an indictment.

* **Sec. 9.** AS 12.40.070 is amended to read:

Sec. 12.40.070. Duty of prosecuting attorney. The prosecuting attorney

(1) shall submit an indictment to the grand jury and cause the evidence in support of the indictment to be brought before them in every case when a person is held to answer a criminal charge in the court where the jury is formed;

(2) may submit an indictment in any case when the prosecuting attorney has good reason to believe a crime has been committed that is triable by the court; [AND]

(3) shall, when required by the grand jury, prepare indictments or presentments for them or a replacement grand jury and attend their sittings to advise them in relation to their duties or to examine witnesses in their presence; and

(4) make arrangements for a citizen to speak with a grand jury as provided under AS 12.40.140.

* **Sec. 10.** AS 12.40.090 is amended by adding a new subsection to read:

(b) Violation of (a) of this section is a class A misdemeanor.

* **Sec. 11.** AS 12.40.100 is amended by adding a new subsection to read:

(d) Only evidence that could be admissible at trial may be included in an indictment.

* **Sec. 12.** AS 12.40.110 is repealed and reenacted to read:

Sec. 12.40.110. Hearsay evidence. (a) All evidence or information may be presented to the grand jury. A witness may be presented to summarize admissible evidence if the admissible evidence will be available at trial.

(b) The prosecuting attorney shall, before indictment, inform the grand jury if information presented to the grand jury may be considered hearsay or determined inadmissible at trial by the court.

(c) Information that would be inadmissible at trial may be included in a report by the grand jury.

* **Sec. 13.** AS 12.40 is amended by adding new sections to read:

Sec. 12.40.120. Obstructing a grand jury. (a) A person commits the crime of obstructing a grand jury if the person intentionally fails to give or directs, orders, threatens, restrains, coerces, forces, or prevents another person from giving full cooperation to the grand jury in assembling or furnishing requested information to the grand jury.

(b) It is not a violation of (a) of this section if a prosecutor or judicial officer

(1) informs a grand jury of its ability to refer matters to an ombudsman;

(2) explains potential consequences of a grand jury investigation, including a grand jury investigation's interference with an investigation by law enforcement;

(3) advises a grand jury of the time commitment that may be required to investigate a matter brought before it;

(4) gives instructions or explains procedure to the grand jury for another reason before or during an investigation.

(c) Obstructing a grand jury is a class A misdemeanor.

Sec. 12.40.130. Prosecutorial misconduct. If a grand jury investigation concerns possible prosecutorial misconduct or misconduct on the part of an employee or agent of the Department of Law so that having a prosecuting attorney or the Department of Law proceed with an investigation would create an appearance of impropriety or conflict, the prosecuting attorney shall immediately advise the attorney general. The attorney general shall appoint a neutral attorney to assist the grand jury in its investigation and the preparation of its report.

Sec. 12.40.140. Citizen investigation requests. If a citizen who is not serving on a grand jury believes a matter of public welfare or safety should be investigated by

1 a grand jury, the citizen may speak with a prosecuting attorney. The prosecuting
 2 attorney shall make arrangements for the citizen to speak with the grand jury under
 3 AS 12.40.070. A majority of grand jury members shall determine whether an
 4 investigation into the citizen's concern is warranted.

5 **Sec. 12.40.150. Reports.** A grand jury shall make a report only upon the
 6 concurrence of a majority of the total number of grand jurors on the grand jury. A
 7 foreperson shall sign the grand jury report. A grand jury report may include
 8 allegations of criminal conduct.

9 **Sec. 12.40.160. Subpoena power.** While conducting an investigation and
 10 preparing a report concerning a matter of public welfare or safety, a grand jury may,
 11 upon approval of a majority of the grand jurors, issue a subpoena to compel testimony
 12 from witnesses or to compel the production of documents. A subpoena may be issued
 13 only after due consideration by the grand jury of the reasonableness of the proposed
 14 subpoena and the necessity of the anticipated testimony or documents.

15 **Sec. 12.40.170. Due Process.** If, while conducting an investigation, a grand
 16 jury requests or receives information that may be considered prejudicial or
 17 inadmissible in court, the prosecuting attorney shall inform the grand jury of the
 18 ramifications and emphasize that inclusion of the information may jeopardize the
 19 validity of an indictment issued by the grand jury. If the grand jury proceeds with the
 20 investigation despite the inclusion of prejudicial or inadmissible evidence, the grand
 21 jury may request that any indictment based on that investigation be transferred to
 22 another grand jury. The grand jury has a right to continue the investigation and
 23 produce a grand jury report containing recommendations related to matters of public
 24 welfare or safety.

25 **Sec. 12.40.180. Replacement grand jury.** If a grand jury requests that an
 26 indictment be brought before another grand jury under AS 12.40.170, a new grand
 27 jury shall be convened to pursue the indictment and the court may extend the time
 28 limit for preliminary examination to 20 days.

29 **Sec. 12.40.190. Peace officer testimony.** If the testimony presented by a peace
 30 officer to a grand jury is inaccurate because of intentional or negligent misstatements
 31 or omissions and the defendant shows that the inaccuracy prejudices substantial rights

of the defendant, the court shall dismiss an indictment resulting from the testimony.

* **Sec. 14.** AS 12.45.045(a) is amended to read:

(a) In prosecutions for the crimes of sexual assault in any degree, sexual abuse of a minor in any degree, unlawful exploitation of a minor, sex trafficking in any degree, or an attempt to commit any of these crimes, evidence of the sexual conduct of the complaining witness, occurring either before or after the offense charged, may not be admitted nor may reference be made to it in the presence of the jury except as provided in this section. When the defendant seeks to admit the evidence for any purpose, the defendant shall apply for an order of the court not later than five days before trial or at a later time as the court may, for good cause, permit. The defendant may, for good cause shown, apply for an order during trial if the request is based on information learned after the deadline or during the trial. After the application is made, the court shall conduct a hearing in camera to determine the admissibility of the evidence. If the court finds that evidence offered by the defendant regarding the sexual conduct of the complaining witness is relevant, and that the probative value of the evidence offered is not outweighed by the probability that its admission will create undue prejudice, confusion of the issues, or unwarranted invasion of the privacy of the complaining witness, the court shall make an order stating what evidence may be introduced and the nature of the questions that may be permitted. The defendant may then offer evidence under the order of the court.

* **Sec. 15.** AS 12.55.127(c) is amended to read:

(c) If the defendant is being sentenced for

(1) escape, the term of imprisonment shall be consecutive to the term for the underlying crime;

(2) two or more crimes under AS 11.41, a consecutive term of imprisonment shall be imposed for at least

(A) the mandatory minimum term under AS 12.55.125(a) for each additional crime that is murder in the first degree;

(B) the mandatory minimum term for each additional crime that is an unclassified felony governed by AS 12.55.125(b);

(C) the presumptive term specified in AS 12.55.125(c) or the

active term of imprisonment, whichever is less, for each additional crime that is

(i) manslaughter; or

(ii) kidnapping that is a class A felony;

(D) two years or the active term of imprisonment, whichever is less, for each additional crime that is criminally negligent homicide;

(E) one-fourth of the presumptive term under AS 12.55.125(c) or (i) for each additional crime that is sexual assault in the first degree under AS 11.41.410 or sexual abuse of a minor in the first degree under AS 11.41.434, or an attempt, solicitation, or conspiracy to commit those offenses; and

(F) some additional term of imprisonment for each additional crime, or each additional attempt or solicitation to commit the offense, under AS 11.41.200 - 11.41.250, 11.41.420 - 11.41.432, 11.41.436 - 11.41.458, or 11.41.500 - 11.41.520;

(3) two or more crimes of violation of condition of release under AS 11.56.757, a consecutive term of imprisonment shall be imposed for some additional term of imprisonment for the underlying crime and each additional crime under AS 11.56.757.

* Sec. 16. AS 12.63.010(b) is amended to read:

(b) A sex offender or child kidnapper required to register under (a) of this section shall register with the Department of Corrections if the sex offender or child kidnapper is incarcerated or in person at the Alaska state trooper post or municipal police department located nearest to where the sex offender or child kidnapper resides at the time of registration. To fulfill the registration requirement, the sex offender or child kidnapper shall

(1) complete a registration form that includes **the following information, if applicable:** [, AT A MINIMUM,]

(A) the sex offender's or child kidnapper's **full** name, **mailing and physical addresses, school** address, **telephone numbers used by the sex offender or child kidnapper, social security number, passport**

information, citizenship status, physical address of employment, name of employer, job title [PLACE OF EMPLOYMENT], and date of birth;

(B) each conviction for a sex offense or child kidnapping for which the duty to register has not terminated under AS 12.63.020, the date of the sex offense or child kidnapping convictions, the place and court of the sex offense or child kidnapping convictions, and whether the sex offender or child kidnapper has been unconditionally discharged from the conviction for a sex offense or child kidnapping and the date of the unconditional discharge; if the sex offender or child kidnapper asserts that the offender or kidnapper has been unconditionally discharged, the offender or kidnapper shall supply proof of that discharge acceptable to the department;

(C) all aliases used;

(D) the sex offender's or child kidnapper's driver's license number;

(E) the description, license numbers, and vehicle identification numbers of motor vehicles, **including watercraft, aircraft, motorcycles, and recreational vehicles**, the sex offender or child kidnapper has access to, regardless of whether that access is regular or not;

(F) any identifying features of the sex offender or child kidnapper;

(G) anticipated changes of address **and any temporary lodging used by the sex offender or child kidnapper**;

(H) a statement concerning whether the offender or kidnapper has had treatment for a mental abnormality or personality disorder since the date of conviction for an offense requiring registration under this chapter; [AND]

(I) each electronic mail address, instant messaging address, and other Internet communication identifier used by the sex offender or child kidnapper; **and**

(J) professional licensing information;

(2) allow the Alaska state troopers, Department of Corrections, [OR]

1 municipal police, or any peace officer to take a complete set of the sex offender's or
 2 child kidnapper's fingerprints and palm prints, and to take the sex offender's or child
 3 kidnapper's photograph.

4 * **Sec. 17.** AS 12.63.010(d) is amended to read:

5 (d) A sex offender or child kidnapper required to register

6 (1) for 15 years under (a) of this section and AS 12.63.020 shall,
 7 annually, during the term of a duty to register under AS 12.63.020, on a date set by the
 8 department at the time of the sex offender's or child kidnapper's initial registration,
 9 provide written verification to the department, in the manner required by the
 10 department, of the information provided under (b)(1) of this section [SEX
 11 OFFENDER'S OR CHILD KIDNAPPER'S ADDRESS] and notice of any changes to
 12 the information previously provided under (b)(1) of this section;

13 (2) for life under (a) of this section and AS 12.63.020 shall, not less
 14 than quarterly, on a date set by the department, provide written verification to the
 15 department, in the manner required by the department, of the information provided
 16 under (b)(1) of this section [SEX OFFENDER'S OR CHILD KIDNAPPER'S
 17 ADDRESS] and notice of any changes to the information previously provided under
 18 (b)(1) of this section.

19 * **Sec. 18.** AS 12.63.010 is amended by adding new subsections to read:

20 (g) If a sex offender or child kidnapper plans to leave the state after having
 21 registered under (a) of this section, the sex offender or child kidnapper shall appear in
 22 person at and provide to the department or a municipal police department in the state
 23 written notice of the plan to leave the state at least seven calendar days before leaving
 24 the state. If a sex offender or child kidnapper plans to leave the state for international
 25 travel after having registered under (a) of this section, the sex offender or child
 26 kidnapper shall appear in person at and provide to the department or a municipal
 27 police department in the state written notice of the plan for any intended travel outside
 28 the United States at least 21 days before leaving the state for international travel.

29 (h) If a sex offender or child kidnapper is away from the physical address
 30 provided to the department under (b)(1)(A) of this section for a period of seven days
 31 or more, the sex offender or child kidnapper shall notify the department in writing of

1 the address being used by the sex offender or child kidnapper while away from the
 2 residence provided under (b)(1)(A) of this section.

3 * **Sec. 19.** AS 12.63.020(a) is amended to read:

4 (a) The duty of a sex offender or child kidnapper to comply with the
 5 requirements of AS 12.63.010 is as follows:

6 (1) for a sex offender or child kidnapper, as that term is defined in
 7 AS 12.63.100(6)(A), for each sex offense or child kidnapping, the duty

8 (A) continues for the lifetime of a sex offender or child
 9 kidnapper convicted of

10 (i) one aggravated sex offense; or

11 (ii) two or more sex offenses, two or more child
 12 kidnappings, or one sex offense and one child kidnapping; for purposes
 13 of this section, a person convicted of indecent exposure before a person
 14 under 16 years of age under AS 11.41.460 more than two times has
 15 been convicted of two or more sex offenses;

16 (B) ends 15 years following the sex offender's or child
 17 kidnapper's unconditional discharge from a conviction for a single sex offense
 18 that is not an aggravated sex offense or for a single child kidnapping if the sex
 19 offender or child kidnapper has supplied proof that is acceptable to the
 20 department of the unconditional discharge; the registration period under this
 21 subparagraph

22 (i) is tolled for the period [EACH YEAR] that a sex
 23 offender or child kidnapper fails to comply with the requirements of
 24 this chapter or is incarcerated for the offense or kidnapping for which
 25 the offender or kidnapper is required to register or for any other
 26 offense;

27 (ii) may include the time a sex offender or child
 28 kidnapper was absent from this state if the sex offender or child
 29 kidnapper has complied with any sex offender or child kidnapper
 30 registration requirements of the jurisdiction in which the offender or
 31 kidnapper was located and if the sex offender or child kidnapper

provides the department with proof of the compliance while the sex offender or child kidnapper was absent from this state; and

(iii) continues for a sex offender or child kidnapper who has not supplied proof acceptable to the department of the offender's or kidnapper's unconditional discharge for the sex offense or child kidnapping requiring registration;

(2) for a sex offender or child kidnapper, as that term is defined in AS 12.63.100(6)(B), the duty continues for the period determined by the department under (b) of this section.

* **Sec. 20.** AS 12.63.100(7) is amended to read:

(7) "sex offense" means

(A) a crime under AS 11.41.100(a)(3), or a similar law of another jurisdiction, in which the person committed or attempted to commit a sexual offense, or a similar offense under the laws of the other jurisdiction; in this subparagraph, "sexual offense" has the meaning given in AS 11.41.100(a)(3);

(B) a crime under AS 11.41.110(a)(3), or a similar law of another jurisdiction, in which the person committed or attempted to commit one of the following crimes, or a similar law of another jurisdiction:

(i) sexual assault in the first degree;

(ii) sexual assault in the second degree;

(iii) sexual abuse of a minor in the first degree; or

(iv) sexual abuse of a minor in the second degree;

(C) a crime, or an attempt, solicitation, or conspiracy to commit a crime, under the following statutes or a similar law of another jurisdiction:

(i) AS 11.41.410 - 11.41.438;

(ii) AS 11.41.440(a)(2);

(iii) AS 11.41.450 - 11.41.458;

(iv) AS 11.41.460 or AS 26.05.900(c) if the indecent exposure is before a person under 16 years of age and the offender has previously been convicted under AS 11.41.460 or AS 26.05.900(c);

- 1 (v) AS 11.61.125 - 11.61.128;
- 2 (vi) [AS 11.66.110,] 11.66.130(a)(2)(B), or
- 3 AS 26.05.900(b) if the person who was induced or caused to engage in
- 4 prostitution was under 21 [20] years of age at the time of the offense;
- 5 (vii) former AS 11.15.120, former 11.15.134, or assault
- 6 with the intent to commit rape under former AS 11.15.160, former
- 7 AS 11.40.110, or former 11.40.200;
- 8 (viii) AS 11.61.118(a)(2) if the offender has a previous
- 9 conviction for that offense;
- 10 (ix) AS 11.66.100(a)(2) if the offender is subject to
- 11 punishment under AS 11.66.100(e);
- 12 (x) AS 26.05.890 if the person engaged in sexual
- 13 penetration or sexual contact with the victim;
- 14 (xi) AS 26.05.890 if, at the time of the offense, the
- 15 victim is under a duty to obey the lawful orders of the offender,
- 16 regardless of whether the offender is in the direct chain of command
- 17 over the victim;
- 18 (xii) AS 26.05.893 if the person engaged in sexual
- 19 penetration or sexual contact with the victim;
- 20 (xiii) AS 26.05.900(a) [AS 26.05.900(a)(1) - (4)] if the
- 21 victim is under 18 years of age at the time of the offense;
- 22 (xiv) AS 26.05.900 if, at the time of the offense, the
- 23 victim is under a duty to obey the lawful orders of the offender,
- 24 regardless of whether the offender is in the direct chain of command
- 25 over the victim; [OR]
- 26 (xv) AS 11.61.123 if the offender is subject to
- 27 punishment under AS 11.61.123(g)(1) or (2) [AS 11.61.123(f)(1) OR
- 28 (2)];
- 29 (xvi) AS 11.61.130(a)(2); or
- 30 (xvii) AS 11.66.110 and 11.66.120;
- 31 (D) an offense, or an attempt, solicitation, or conspiracy to

commit an offense, under AS 26.05.935(b), or a similar law of another jurisdiction, if the member of the militia commits one of the following enumerated offenses punishable under Article 134, 10 U.S.C. 934 (Uniform Code of Military Justice):

(i) child pornography; or

(ii) pandering and prostitution if the person who is induced, enticed, caused, or procured to engage in a sexual act is under 21 [20] years of age at the time of the offense; or

(E) an offense in which the person is required to register as a sex offender under the laws of another jurisdiction;

* **Sec. 21.** AS 18.66.990(3) is amended to read:

(3) "domestic violence" and "crime involving domestic violence" mean one or more of the following offenses or an offense under a law or ordinance of another jurisdiction having elements similar to these offenses, or an attempt to commit the offense, by a household member against another household member:

(A) a crime against the person under AS 11.41;

(B) burglary under AS 11.46.300 - 11.46.310;

(C) criminal trespass under AS 11.46.320 - 11.46.330;

(D) arson or criminally negligent burning under AS 11.46.400 - 11.46.430;

(E) criminal mischief under AS 11.46.475 - 11.46.486;

(F) terrorist threatening under AS 11.56.807 or 11.56.810;

(G) violating a protective order under AS 11.56.740(a)(1);

(H) harassment under AS 11.61.120(a)(2) - (4) or (6); or

(I) cruelty to animals under AS 11.61.140(a)(5) if the animal is a pet;

(J) interfering with a report of a crime involving domestic violence under AS 11.56.745 if the person interfering with the report is the person who committed the underlying crime involving domestic violence;
or

(K) unlawful contact under AS 11.56.750 or 11.56.755;

1 * **Sec. 22.** AS 47.14.300(a) is amended to read:

2 (a) The department, a state or municipal agency with expertise in child abuse
3 or neglect, or a tribe recognized by the United States Secretary of the Interior to exist
4 as an Indian tribe under 25 U.S.C. 5131 (Federally Recognized Indian Tribe List Act
5 of 1994) with expertise in child abuse or neglect, in partnership with the department,
6 may facilitate the initial establishment of a multidisciplinary child protection team.
7 The purpose of a team is to assist in the evaluation and investigation of reports of child
8 abuse or neglect, as defined in AS 47.17.290, made under AS 47.17 or initiated by the
9 department or a law enforcement agency; **to assist in the evaluation and**
10 **investigation of reports of sexual contact or sexual penetration, as defined in**
11 **AS 11.81.900(b), occurring between children under 13 years of age;** and to provide
12 consultation and coordination for agencies involved in child-in-need-of-aid cases
13 under AS 47.10. The multidisciplinary child protection teams shall

14 (1) ensure that investigations involving child abuse or neglect are
15 coordinated and conducted by trained investigators;

16 (2) take and recommend steps to avoid duplicative interviews of
17 children;

18 (3) assist in the reduction of trauma to a child and family involved in
19 an investigation of child abuse or neglect; and

20 (4) review records, provide consultation, and make recommendations
21 to the department pertaining to a child-in-need-of-aid case under AS 47.10 referred to
22 the team by a team member.

23 * **Sec. 23.** The uncoded law of the State of Alaska enacted in sec. 142(c), ch. 4, FSSLA
24 2019, is amended to read:

25 (c) The following sections apply to the duty to register as a sex offender for
26 offenses committed **before, on,** or after the effective date of those sections:

27 (1) AS 12.63.010(d), as amended by sec. 82 of this Act;

28 (2) AS 12.63.020, as amended by sec. 83 of this Act;

29 (3) AS 12.63.100(6), as amended by sec. 84 of this Act;

30 (4) AS 12.63.100(7), as amended by sec. 85 of this Act.

31 * **Sec. 24.** The uncoded law of the State of Alaska is amended by adding a new section to

1 read:

2 DIRECT COURT RULE AMENDMENT. Rule 5(e), Alaska Rules of
3 Criminal Procedure, is amended to read:

4 (e) Felonies - Other Requirements at First Appearance.

5 (1) If the charge against the defendant is a felony, the defendant shall
6 not be called upon to plead.

7 (2) The judicial officer shall inform the defendant of the right to a
8 preliminary examination. A defendant is entitled to a preliminary examination if the
9 defendant is charged with a felony for which the defendant has not been indicted,
10 unless

11 (A) the defendant waives the preliminary examination, or

12 (B) an information has been filed against the defendant with the
13 defendant's consent in the superior court.

14 (3) If the defendant after having had the opportunity to consult with
15 counsel waives preliminary examination, the judicial officer shall forthwith hold the
16 defendant to answer in the superior court.

17 (4) If the defendant does not waive preliminary examination, the
18 judicial officer shall schedule a preliminary examination. Such examination shall be
19 held within a reasonable time, but in no event later than

20 (A) 10 days following the initial appearance, if the defendant is
21 in custody, or

22 (B) 20 days following the initial appearance, if the defendant is
23 not in custody **or if a replacement grand jury has been impaneled pursuant**
24 **to AS 12.40.180**. With the consent of the defendant and upon a showing of
25 good cause, taking into account the public interest in prompt disposition of
26 criminal cases, the judicial officer may extend the time limits specified in this
27 subsection one or more times. In the absence of consent by the defendant, the
28 judicial officer may extend these time limits only upon a showing that
29 extraordinary circumstances exist and that delay is indispensable to the interest
30 of justice.

31 * **Sec. 25.** The uncoded law of the State of Alaska is amended by adding a new section to

1 read:

2 DIRECT COURT RULE AMENDMENT. Rule 6(s), Alaska Rules of Criminal
3 Procedure, is amended to read:

4 (s) **Admissibility of Evidence.**

5 (1) All evidence or information may be presented to [EVIDENCE
6 WHICH WOULD BE LEGALLY ADMISSIBLE AT TRIAL SHALL BE
7 ADMISSIBLE BEFORE] the grand jury. Witnesses [IN APPROPRIATE CASES,
8 HOWEVER, WITNESSES] may be presented to summarize admissible evidence if
9 the admissible evidence will be available at trial. [EXCEPT AS STATED IN
10 SUBPARAGRAPHS (2), (3), AND (6), HEARSAY EVIDENCE SHALL NOT BE
11 PRESENTED TO THE GRAND JURY ABSENT COMPELLING JUSTIFICATION
12 FOR ITS INTRODUCTION. IF HEARSAY EVIDENCE IS PRESENTED TO THE
13 GRAND JURY, THE REASONS FOR ITS USE SHALL BE STATED ON THE
14 RECORD.]

15 (2) [IN A PROSECUTION FOR AN OFFENSE UNDER
16 AS 11.41.410 — 11.41.458, HEARSAY EVIDENCE OF A STATEMENT
17 RELATED TO THE OFFENSE, NOT OTHERWISE ADMISSIBLE, MADE BY A
18 CHILD WHO IS THE VICTIM OF THE OFFENSE MAY BE ADMITTED INTO
19 EVIDENCE BEFORE THE GRAND JURY IF

20 (i) THE CIRCUMSTANCES OF THE STATEMENT
21 INDICATE ITS RELIABILITY;

22 (ii) THE CHILD IS UNDER 10 YEARS OF AGE
23 WHEN THE HEARSAY EVIDENCE IS SOUGHT TO BE
24 ADMITTED;

25 (iii) ADDITIONAL EVIDENCE IS INTRODUCED
26 TO CORROBORATE THE STATEMENT; AND

27 (iv) THE CHILD TESTIFIES AT THE GRAND JURY
28 PROCEEDING OR THE CHILD WILL BE AVAILABLE TO
29 TESTIFY AT TRIAL.

30 (3) HEARSAY EVIDENCE RELATED TO THE OFFENSE, NOT
31 OTHERWISE ADMISSIBLE, MAY BE ADMITTED INTO EVIDENCE BEFORE

1 THE GRAND JURY IF

2 (i) THE INDIVIDUAL PRESENTING THE
3 HEARSAY EVIDENCE IS A PEACE OFFICER INVOLVED IN THE
4 INVESTIGATION; AND

5 (ii) THE HEARSAY EVIDENCE CONSISTS OF THE
6 STATEMENT AND OBSERVATIONS MADE BY ANOTHER
7 PEACE OFFICER IN THE COURSE OF AN INVESTIGATION;
8 AND

9 (iii) ADDITIONAL EVIDENCE IS INTRODUCED
10 TO CORROBORATE THE STATEMENT.

11 (4) If the testimony presented by a peace officer [UNDER
12 PARAGRAPH (3) OF THIS SECTION] is inaccurate because of intentional, grossly
13 negligent, or negligent misstatements or omissions, then the court shall dismiss an
14 indictment resulting from the testimony if the defendant shows that the inaccuracy
15 prejudices substantial rights of the defendant.

16 [(5) IN THIS SECTION "STATEMENT" MEANS AN ORAL OR
17 WRITTEN ASSERTION OR NONVERBAL CONDUCT IF THE NONVERBAL
18 CONDUCT IS INTENDED AS AN ASSERTION.

19 (6) WHEN A PRIOR CONVICTION IS AN ELEMENT OF AN
20 OFFENSE, HEARSAY EVIDENCE RECEIVED THROUGH THE ALASKA
21 PUBLIC SAFETY INFORMATION NETWORK OR FROM OTHER
22 GOVERNMENT AGENCIES OF PRIOR CONVICTIONS MAY BE PRESENTED
23 TO THE GRAND JURY.]

24 * **Sec. 26.** The uncoded law of the State of Alaska is amended by adding a new section to
25 read:

26 DIRECT COURT RULE AMENDMENT. Rule 6.1(a), Alaska Rules of
27 Criminal Procedure, is amended to read:

28 (a) **Authority to Investigate and Issue Reports.** A grand jury is
29 constitutionally authorized to investigate and make reports and recommendations
30 concerning the public welfare or safety. [AN ISSUE CONCERNS THE PUBLIC
31 WELFARE OR SAFETY, AND THEREFORE IS WITHIN THE SCOPE OF A

1 GRAND JURY'S INVESTIGATIVE AUTHORITY, WHEN

2 (1) THE INVESTIGATION OF THE ISSUE COULD FURTHER A
3 PUBLIC POLICY OF THE STATE;

4 (2) THE OUTCOME OF THE INVESTIGATION COULD
5 REASONABLY BE EXPECTED TO BENEFIT A LARGE NUMBER OF PEOPLE,
6 RATHER THAN TO BENEFIT ONLY AN INDIVIDUAL OR SMALL GROUP OF
7 INDIVIDUALS; AND

8 (3) THE ISSUE INVOLVES A MATTER OF GENERAL
9 IMPORTANCE TO A LARGE NUMBER OF PEOPLE, RATHER THAN TO AN
10 INDIVIDUAL OR A SMALL GROUP OF INDIVIDUALS.]

11 * **Sec. 27.** The uncoded law of the State of Alaska is amended by adding a new section to
12 read:

13 INDIRECT COURT RULE AMENDMENTS. The provisions of secs. 2, 3, and 5 - 13
14 of this Act have the effect of changing Rules 6 and 6.1, Alaska Rules of Criminal Procedure,
15 by changing the procedure for grand jury proceedings, the duties and authority of a grand
16 jury, and the evidence that may be presented to a grand jury.

17 * **Sec. 28.** The uncoded law of the State of Alaska is amended by adding a new section to
18 read:

19 REPEAL OF COURT RULES. Rules 6.1(b)(2) and (3), Alaska Rules of Criminal
20 Procedure, are repealed.

21 * **Sec. 29.** The uncoded law of the State of Alaska is amended by adding a new section to
22 read:

23 APPLICABILITY. (a) AS 11.41.260(a), as amended by sec. 4 of this Act,
24 AS 12.55.127(c), as amended by sec. 15 of this Act, and AS 18.66.990(3), as amended by sec.
25 21 of this Act, apply to offenses committed on or after the effective date of this Act.

26 (b) Except as otherwise provided in this Act, the duty imposed by AS 12.63.010(b), as
27 amended by sec. 16 of this Act, AS 12.63.010(d), as amended by sec. 17 of this Act, and
28 AS 12.63.010(g) and (h), enacted by sec. 18 of this Act, applies to the duty to register as a sex
29 offender or child kidnapper for offenses committed before, on, or after the effective date of
30 this Act.

31 (c) AS 12.63.020(a), as amended by sec. 19 of this Act, applies to the tolling of the

1 duty to register as a sex offender or child kidnapper on or after the effective date of this Act
 2 for determinations of noncompliance made by the Department of Public Safety on or after the
 3 effective date of this Act.

4 (d) Nothing in AS 12.63.020(a), as amended by sec. 19 of this Act, may be construed
 5 as invalidating a decision by the Department of Public Safety to toll the period of registration
 6 or continue the period of registration under AS 12.63 before the effective date of this Act.

7 (e) AS 12.63.100(7), as amended by sec. 20 of this Act, applies to the duty to register
 8 as a sex offender for offenses committed on or after the effective date of this Act.

9 (f) Rule 5(e), Alaska Rules of Criminal Procedure, as amended by sec. 24 of this Act,
 10 and Rule 6(s), Alaska Rules of Criminal Procedure, as amended by sec. 25 of this Act, apply
 11 to indictments occurring on or after the effective date of this Act for offenses committed
 12 before, on, or after the effective date of this Act.

13 * **Sec. 30.** The uncodified law of the State of Alaska is amended by adding a new section to
 14 read:

15 **CONDITIONAL EFFECT.** (a) Rule 5(e), Alaska Rules of Criminal Procedure, as
 16 amended by sec. 24 of this Act, takes effect only if sec. 24 of this Act receives the two-thirds
 17 majority vote of each house required by art. IV, sec. 15, Constitution of the State of Alaska.

18 (b) Rule 6(s), Alaska Rules of Criminal Procedure, as amended by sec. 25 of this Act,
 19 takes effect only if sec. 25 of this Act receives the two-thirds majority vote of each house
 20 required by art. IV, sec. 15, Constitution of the State of Alaska.

21 (c) Rule 6.1(a), Alaska Rules of Criminal Procedure, as amended by sec. 26 of this
 22 Act, takes effect only if sec. 26 of this Act receives the two-thirds majority vote of each house
 23 required by art. IV, sec. 15, Constitution of the State of Alaska.

24 (d) Sections 2, 3, and 5 - 13 of this Act take effect only if sec. 27 of this Act receives
 25 the two-thirds majority vote of each house required by art. IV, sec. 15, Constitution of the
 26 State of Alaska.

27 (e) The repeal of Rules 6.1(b)(2) and (3), Alaska Rules of Criminal Procedure, by sec.
 28 28 of this Act takes effect only if sec. 28 of this Act receives the two-thirds majority vote of
 29 each house required by art. IV, sec. 15, Constitution of the State of Alaska.

30 * **Sec. 31.** This Act takes effect July 1, 2024.