

1 IN THE HOUSE

BY MR. MCNABB

2 HOUSE BILL NO. 185

3 IN THE LEGISLATURE OF THE TERRITORY OF ALASKA

4 TWENTY-THIRD SESSION

5 A BILL

6 For an Act entitled: "An Act relating to the right of an arrested  
7 prisoner to immediate visitation; amending  
8 Section 66-5-34, ACLA 1949."

9 BE IT ENACTED BY THE LEGISLATURE OF THE TERRITORY OF ALASKA:

10 Section 1. Section 66-5-34, ACLA 1949, is hereby amended  
11 to read as follows:

12 Sec. 66-5-34. TIME OF TAKING PRISONER BEFORE MAGIS-  
13 TRATE: APPLICATION OF REQUIREMENT: ATTORNEY VISITING  
14 PRISONER: DUTY TO ALLOW VISITATION: PENALTIES. The  
15 person arrested must in all cases be taken before the  
16 magistrate without unnecessary delay, and in any event  
17 within twenty-four hours after his arrest, excluding  
18 Sundays and holidays. This requirement shall apply to  
19 municipal police officers and city magistrates to the  
20 same extent as it does to marshals, deputy marshals and  
21 other territorial law-enforcement officers intaking  
22 prisoners before territorial magistrates.

23 Immediately [A] after an arrest, any prisoner shall  
24 have the immediate right to forthwith telephone or other-  
25 wise communicate with his attorney or any relative or  
26 friend; and any attorney at law entitled to practice in  
27 the courts of Alaska shall [MAY], at the request of  
28 the prisoner, or any relative or friend of such prisoner,  
29 have the right to forthwith visit the person so arrested,

1 and it shall be unlawful for any officer having cus-  
2 tody of a person so arrested to wilfully refuse or  
3 neglect to grant any prisoner the rights provided by  
4 this Act [ALLOW SUCH ATTORNEY TO VISIT SUCH PERSON  
5 WITHOUT DELAY].

6 any violation hereof shall be deemed to be a mis-  
7 demeanor, and upon conviction of the offender, he shall be  
8 punished by a fine of not more than One Hundred Dollars  
9 (\$100.00) or imprisonment for not more than thirty days,  
10 or by both such fine and imprisonment. In addition to  
11 such criminal liability, any officer having a prisoner  
12 in custody who refuses to allow an attorney to visit  
13 the prisoner when proper application is made therefor,  
14 shall forfeit and pay to the party aggrieved the sum  
15 of Five Hundred Dollars (\$500.00), recoverable in any  
16 court of competent jurisdiction.