

Introduced: 3/13/75  
Referred: Judiciary

1 IN THE SENATE

BY CHANCE, POLAND AND RODEY

2 *FCCS HCS* SENATE BILL NO. 261 *am H*

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 NINTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act relating to the evidence in prosecutions for  
7 rape and assault with intent to commit rape; changing  
8 Rule 43(g)(11), Rules of Civil Procedure; and providing  
9 for an effective date."

10 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

11 \* Section 1. AS 12.45 is amended by adding a new section to read:

12 Sec. 12.45.045. EVIDENCE OF PAST SEXUAL CONDUCT IN TRIALS OF RAPE  
13 AND ASSAULT WITH INTENT TO COMMIT RAPE. In prosecutions for the crime  
14 of rape and assault with intent to commit rape, evidence of the prose-  
15 cuting witness' previous sexual conduct shall not be admitted nor  
16 reference made to it in the presence of the jury, except as provided in  
17 this section. Evidence of the prosecuting witness' previous sexual  
18 conduct shall be admissable if the defendant makes application to the  
19 court before or during trial. The court shall conduct a hearing in  
20 camera as to the relevancy of the evidence of previous sexual conduct,  
21 and make an order stating what evidence may be introduced and the nature  
22 of the questions to be permitted. The defendant may then offer evidence  
23 under the order of the Court. In no event may evidence of previous  
24 sexual conduct of the prosecuting witness committed more than one year  
25 before the date of the alleged crime be admissable, except previous  
26 sexual conduct with the defendant.

27 \* Sec. 2. Section 1 of this Act has the effect of changing Rule 43(g)(11),  
28 Rules of Civil Procedure, by requiring certain procedures to be followed in  
29 order for the defendant to offer evidence of sexual conduct of the complaining

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1 witness under AS 11.15.120.

2 \* Sec. 3. This Act takes effect immediately in accordance with AS 01.10.-  
3 070(c).

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