

Introduced: 3/13/75
Referred: Judiciary

BY CHANCE, POLAND AND RODEY

1 IN THE SENATE

2 SENATE BILL NO. 261 am

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 admissible 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 admissible, 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

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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