

Introduced: 1/15/80
Referred: Judiciary

1 IN THE HOUSE

BY THE JUDICIARY COMMITTEE

2 HOUSE BILL NO. 532

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 ELEVENTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act permitting the videotaping of testimony of
7 young victims of sexual assault; and changing Rule 804,
8 Alaska Rules of Evidence relating to exceptions to the
9 hearsay rule."

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. 12.45.047. OUT-OF-COURT TESTIMONY BY YOUNG VICTIM OF SEXUAL
13 ASSAULT. (a) After notice to the defendant, the state may apply to the
14 court for an order allowing out-of-court videotaping of the testimony of
15 a child who is the alleged victim of sexual assault in any degree. The
16 order may be granted if the court finds that

17 (1) the child was 11 years of age or younger at the time of
18 the sexual assault; and

19 (2) there is a substantial likelihood that the child will
20 suffer severe emotional distress if required to testify in open court at
21 the trial.

22 (b) If the order is granted, the trial judge shall preside at the
23 out-of-court proceeding and shall rule on all questions as if at trial.

24 (c) Videotaped evidence taken in accordance with this section may
25 be taken only after the trial has begun and is admissible in evidence in
26 the criminal trial for sexual assault in any degree.

27 * Sec. 2. Section 1 of this Act has the effect of changing Rule 804,
28 Alaska Rules of Evidence by adding the out-of-court videotaped evidence of a
29 young victim of sexual assault to the list of exceptions to the hearsay rule.