

Original sponsor: Judiciary Committee

Offered: 2/11/80
Referred: Rules

1 IN THE HOUSE

BY THE JUDICIARY COMMITTEE

2 CS FOR 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 or sexual abuse of a
8 minor; and changing Rule 804, Alaska Rules of Evidence
9 relating to exceptions to the 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. VIDEOTAPING OF TESTIMONY BY YOUNG VICTIM OF SEXUAL
13 ASSAULT OR SEXUAL ABUSE. (a) After notice to the defendant, the state
14 may apply to the court for an order allowing videotaping of the testi-
15 mony of a child who is the alleged victim of sexual assault in any
16 degree or who is the alleged victim of sexual abuse of a minor. The
17 order may be granted if the court finds that

18 (1) the child was 16 years of age or younger at the time of
19 the sexual assault; and

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

23 (b) If the order is granted, the trial judge shall preside at the
24 videotaping proceeding and shall rule on all questions as if at trial.

25 (c) Videotaped evidence taken in accordance with this section is
26 admissible in evidence in the criminal trial for sexual assault in any
27 degree or for sexual abuse of a minor.

28 * Sec. 2. Section 1 of this Act has the effect of changing Rule 804,
29 Alaska Rules of Evidence by adding the videotaped evidence of a young victim

1 of sexual assault or sexual abuse of a minor to the list of exceptions to the
2 hearsay rule.

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