

Original sponsors: Parr and Fischer

Offered: 2/1/82
Referred: Rules

1 IN THE SENATE

BY THE JUDICIARY COMMITTEE

2 CS FOR SENATE BILL NO. 485 (Judiciary)

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 TWELFTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act permitting the videotaping of testimony of
7 young victims of sexual offenses; and changing Rule
8 804, 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. VIDEOTAPING OF TESTIMONY BY YOUNG VICTIMS OF
13 SEXUAL OFFENSES. (a) Upon application by the prosecuting attorney and
14 notice to the defendant, the court shall permit the state to videotape
15 the testimony of a child who is the alleged victim of a violation of
16 AS 11.41.410 - 11.41.455 and who is under 16 years of age at the time
17 the court issues the order permitting the videotaping.

18 (b) The trial judge shall preside at the videotaping proceeding
19 and shall rule on all questions as if at trial. The defendant shall be
20 afforded all rights applicable to defendants during trial, including the
21 right to an attorney and the right to confront and cross-examine the
22 witness. The trial judge shall determine those persons other than the
23 prosecuting attorney, the defendant and the defendant's attorney who may
24 attend the videotaping proceeding.

25 (c) Videotaped evidence taken in accordance with this section is
26 admissible in evidence in the criminal trial of a defendant charged with
27 a violation of AS 11.41.410 - 11.41.455.

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

1 violation of AS 11.41.410 - 11.41.455 to the list of exceptions to the
2 hearsay rule.

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