

Introduced: 2/13/84
Referred: Health, Education and
Social Services and
Judiciary

BY KERTTULA, HALFORD
AND STURGULEWSKI

1 IN THE SENATE

2 SENATE BILL NO. 472

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 THIRTEENTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act relating to preliminary examinations in
7 prosecutions for sexual assault and sexual abuse of a
8 minor."

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

10 * Section 1. AS 12.80 is amended by adding a new section to read:

11 Sec. 12.80.060. EXCLUSION OF THE PUBLIC IN PRELIMINARY EXAMINA-
12 TIONS FOR CERTAIN SEX OFFENSES. (a) In a prosecution under AS 11.-
13 41.410 - 11.41.450, upon the motion of the prosecutor, the court may
14 exclude the public from the preliminary examination during the testi-
15 mony of a complaining witness who is a minor if

16 (1) testimony before the general public would threaten
17 serious psychological harm to the witness; and

18 (2) no alternative procedures are available to avoid the
19 perceived harm.

20 (b) If the court excludes the public from a preliminary examina-
21 tion under this section, the court may exclude all persons except the
22 court clerk, the prosecutor, the investigating peace officer, the
23 peace officer having custody of the defendant, the defendant, the
24 defendant's counsel, and a person chosen by the witness who is not
25 also a witness but who is present to provide the witness moral sup-
26 port.

27 (c) If the court excludes the public from a preliminary examina-
28 tion under this section, a transcript of the testimony of the witness
29 shall be made available to the public as soon as practicable.