

1 IN THE HOUSE

BY SWACKHAMMER

2

HOUSE BILL NO. 323

3

IN THE LEGISLATURE OF THE STATE OF ALASKA

4

FIFTEENTH LEGISLATURE - FIRST SESSION

5

A BILL

6 For an Act entitled: "An Act relating to testimony of children in certain  
7 criminal proceedings; and providing for an effective  
8 date."

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

10 \* Section 1. AS 12.45 is amended by adding a new section to read:

11 Sec. 12.45.046. TESTIMONY OF CHILDREN IN CRIMINAL PROCEEDINGS.

12 In a criminal proceeding involving the prosecution of an offense  
13 committed against a child under the age of 13, or witnessed by a child  
14 under the age of 13, the court, on motion of the prosecution, may  
15 order that the testimony of the child be taken in a room other than  
16 the courtroom and be televised by closed circuit equipment in the  
17 courtroom to be viewed by the defendant, the court, and the finder of  
18 fact in the proceeding. Only the attorneys for the defendant and for  
19 the state, persons necessary to operate the equipment, and any person  
20 whose presence would contribute to the welfare and well-being of the  
21 child may be present in the room during the child's testimony. Only  
22 the attorneys may question the child. The persons operating the  
23 equipment shall be confined to an adjacent room or behind a partition  
24 that permits them to see and hear the child's testimony but does not  
25 permit the child to see or hear them. The defendant shall be afforded  
26 a means of communicating with the defendant's attorney throughout the  
27 proceedings, and, upon request of the defendant or the defendant's  
28 attorney, recesses shall be permitted to allow them to confer.

29 \* Sec. 2. AS 12.45.047 and 12.45.048 are repealed.

1 \* Sec. 3. Section 1 of this Act is retroactive and applies in criminal  
2 proceedings involving the prosecution of an offense committed before the  
3 effective date of this Act.

4 \* Sec. 4. This Act takes effect immediately under AS 01.10.070(c).