

1 IN THE HOUSE

BY ULMER

2

HOUSE BILL NO. 465

3

IN THE LEGISLATURE OF THE STATE OF ALASKA

4

FIFTEENTH LEGISLATURE - SECOND SESSION

5

A BILL

6 For an Act entitled: "An Act relating to criminal proceedings involving
7 certain minors; and amending Rule 45(a) and Rule
8 45(d)(2), Alaska Rules of Criminal Procedure."

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

10 * Section 1. FINDINGS AND PURPOSE. (a) The legislature finds that
11 there has been an increase in the number of offenses involving children,
12 that the longer the length of time between the event and the trial, the
13 more difficulty young children have remembering past events necessary for a
14 criminal prosecution, that offenses against children are especially
15 reprehensible, and that the vulnerability of children requires immediate
16 removal of the offender from society.

17 (b) This Act is necessary to shorten the time between the occurrence
18 of the criminal offense and the trial and punishment of the offender in
19 proceedings in which a minor was the victim or is to be a witness.

20 * Sec. 2. AS 12.45 is amended by adding a new section to read:

21 Sec. 12.45.049. CRIMINAL PROCEEDINGS INVOLVING MINORS. (a) In
22 a criminal proceeding involving a victim or witness who will be under
23 16 years of age at the time of trial, the court shall take appropriate
24 action to ensure that the trial is promptly conducted. If either
25 party submits a motion or other request for a delay or continuance of
26 the proceedings, the court shall consider and give weight to any
27 adverse effect that the requested delay or continuance may have on the
28 well-being of the minor.

29 (b) The provisions of (a) of this section do not apply if the

1 person under 16 years of age at the time of trial is the defendant in
2 a proceeding under this chapter.

3 * Sec. 3. AS 12.45.049, added by sec. 2 of this Act, has the effect of
4 amending Alaska Rules of Criminal Procedure 45(a) and 45(d)(2) by directing
5 the courts to give prompt attention to the conduct of criminal trials
6 involving minors as victims or witnesses and by adding as a standard to
7 evaluate a motion or request for delay or continuance of a proceeding in
8 which a minor is a victim or witness the effect of the delay or continuance
9 on the well-being of the minor.