

Original sponsors: Donley, Gruenberg,  
Boucher, et al.

1 IN THE HOUSE  
2 SENATE CS FOR CS FOR HOUSE BILL NO. 36 (HESS)  
3 IN THE LEGISLATURE OF THE STATE OF ALASKA  
4 SIXTEENTH LEGISLATURE - FIRST SESSION  
5 A BILL  
6 For an Act entitled: "An Act relating to crimes, the rights, entitlements,  
7 and services that are due to victims of crime, and to  
8 service of process on prisoners; redefining the term  
9 'crime against a person'; and amending Rules 32 and  
10 35 of the Alaska Rules of Criminal Procedure."  
11 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:  
12 \* Section 1. SHORT TITLE. This Act may be referred to as the "Alaska  
13 Crime Victim's Rights Act."  
14 \* Sec. 2. AS 09.05 is amended by adding a new section to read:  
15 Sec. 09.05.050. SERVICE OF PROCESS ON STATE PRISONERS. (a) In  
16 a civil action to which a person committed to the custody of the  
17 commissioner of corrections is a party or witness, service of process  
18 shall be made by delivering a copy of the summons and the complaint or  
19 pleadings, together with a form for affidavit of proof of service, to  
20 the shift supervisor of the correctional facility in which the person  
21 is housed. The shift supervisor shall  
22 (1) immediately hand deliver the summons and complaint or  
23 pleadings to the person whose name appears on the summons; and  
24 (2) promptly complete the affidavit of proof of service on  
25 the form provided and return it to the party requesting service of  
26 process.  
27 (b) A party requesting service of process under this section may  
28 locate a person committed to the custody of the commissioner of cor-  
29 rections by contacting the chief classification officer of the

1 Department of Corrections during that officer's regular hours of work.

2 \* Sec. 3. AS 12.47 is amended by adding a new section to read:

3 Sec. 12.47.095. NOTICE TO VICTIMS. (a) If an offender has been  
4 committed to the custody of the commissioner of health and social  
5 services under AS 12.47.090, the victim of that crime is entitled to  
6 notice of a pending change in the status of the offender. The commis-  
7 sioner of health and social services shall give notice as required by  
8 this section if

9 (1) the offender has been continued in commitment following  
10 expiration of the maximum term of imprisonment under AS 12.47.090(f)  
11 and the commissioner gives notice of release of the offender;

12 (2) the court is to consider modification of an order of  
13 conditional release for the offender under AS 12.47.092(e);

14 (3) a court is to consider conditional release of the  
15 offender under AS 12.47.090(k) and 12.47.092(a); or

16 (4) the offender petitions for discharge under AS 12.47.-  
17 092(f).

18 (b) If a victim desires notice under this section, the victim  
19 shall maintain a current, valid mailing address on file with the  
20 commissioner of health and social services. The commissioner shall  
21 send the notice required by this section to the victim's last known  
22 address. The victim's address may not be disclosed to the offender or  
23 offender's attorney.

24 (c) The commissioner of health and social services is required  
25 to give notice of a change in the status of an offender under this  
26 section to any victim who has requested notice.

27 (d) If more than one person who qualifies as a victim under  
28 AS 12.55.185 desires notice, the commissioner of health and social  
29 services shall designate one person for purposes of receiving any

1 notice required and exercising the rights granted by this section.

2 (e) In this section

3 (1) "offender" has the meaning given in AS 12.61.020;

4 (2) "victim" has the meaning given in AS 12.55.185.

5 \* Sec. 4. AS 12.55 is amended by adding a new section to read:

6 Sec. 12.55.023. PARTICIPATION BY VICTIM IN SENTENCING. (a) If  
7 a victim requests, the prosecuting attorney shall provide the victim,  
8 before the sentencing hearing, with a copy of the following portions  
9 of the presentence report:

10 (1) the summary of the offense prepared by the Department  
11 of Corrections;

12 (2) the defendant's version of the offense;

13 (3) all statements and summaries of statements of the  
14 victim; and

15 (4) the sentence recommendation of the Department of Cor-  
16 rections.

17 (b) A victim may submit to the sentencing court a written state-  
18 ment that the victim believes is relevant to the sentencing decision.

19 \* Sec. 5. AS 12.55.088 is amended by adding new subsections to read:

20 (d) A victim has the right to comment in writing to the court on  
21 a motion to modify or reduce a sentence filed by the person who perpe-  
22 trated the offense against the victim.

23 (e) If a motion is filed to modify or reduce a sentence by a  
24 defendant who perpetrated a crime against a person or arson in the  
25 first degree, the court shall, if feasible, send a copy of the motion  
26 to the Department of Corrections sufficiently in advance of any  
27 scheduled hearing or briefing deadline to enable the department to  
28 notify the victim of that crime. If that victim has earlier requested  
29 to be notified, the Department of Corrections shall send the victim a

1 copy of the motion and inform the person of that person's rights under  
2 this section, the deadline for receipt of written comments, the hear-  
3 ing date, and the court's address.

4 (f) The court shall provide copies of the victim's comments to  
5 the prosecuting attorney, the person filing the motion to reduce or  
6 modify a sentence, and that person's attorney.

7 (g) In deciding whether to modify or reduce a sentence, the  
8 court shall consider the victim's comments, when relevant, and any  
9 response by the prosecuting attorney and the person filing the motion.

10 (h) If a victim desires notice under this section, the victim  
11 shall maintain a current, valid mailing address on file with the  
12 commissioner of corrections. The commissioner shall send the notice  
13 to the victim's last known address. The victim's address may not be  
14 disclosed to the offender or to the offender's attorney.

15 \* Sec. 6. AS 12.55 is amended by adding a new section to read:

16 Sec. 12.55.172. DESIGNATION OF REPRESENTATIVE. If more than one  
17 person who qualifies as a victim under AS 12.55.185 desires notice  
18 under AS 12.55.088, the prosecuting attorney shall designate one  
19 person to represent all victims for purposes of receiving the notice  
20 required and exercising the rights granted under this chapter.

21 \* Sec. 7. AS 12.55.185 is repealed and reenacted to read:

22 Sec. 12.55.185. DEFINITIONS. In this chapter, unless the con-  
23 text requires otherwise,

24 (1) "crime against a person" has the meaning given in  
25 AS 33.30.901;

26 (2) "dangerous instrument" has the meaning given in AS 11.-  
27 81.900;

28 (3) "firearm" has the meaning given in AS 11.81.900;

29 (4) "first felony conviction" means that the defendant has

1 not been previously convicted of a felony;

2 (5) "judicial officer" has the meaning given in AS 11.56.-  
3 900;

4 (6) "pecuniary gain" means the amount of money or value of  
5 property at the time of commission of the offense derived by the  
6 defendant from the commission of the offense, less the amount of money  
7 or value of property returned to the victim of the offense or seized  
8 by or surrendered to lawful authority before sentence is imposed;

9 (7) "second felony conviction" means that the defendant  
10 previously has been convicted of a felony;

11 (8) "serious physical injury" has the meaning given in  
12 AS 11.81.900;

13 (9) "third felony conviction" means that the defendant has  
14 been at least twice previously convicted of a felony;

15 (10) "unconditional discharge" means that a defendant is  
16 released from all disability arising under a sentence, including  
17 probation and parole;

18 (11) "victim" means

19 (A) a person against whom an offense has been perpe-  
20 trated;

21 (B) one of the following, not the perpetrator, if the  
22 person specified in (A) of this paragraph is a minor, incompe-  
23 tent, or incapacitated:

24 (i) an individual living in a spousal relation-  
25 ship with the person specified in (A) of this paragraph; or

26 (ii) a parent, adult child, guardian, or custodian  
27 of the person;

28 (C) one of the following, not the perpetrator, if the  
29 person specified in (A) of this paragraph is dead:

1 (i) a person living in a spousal relationship  
2 with the deceased before the deceased died;

3 (ii) an adult child, parent, brother, sister,  
4 grandparent or grandchild of the deceased; or

5 (iii) any other interested person, as may be des-  
6 ignated by a person having authority in law to do so;

7 (D) the parent, guardian, or custodian of a prenatal  
8 child who was, or of a minor who as a prenatal child was, harmed  
9 as the result of perpetration of an offense against the prenatal  
10 child's mother, unless that person was the perpetrator of the  
11 offense.

12 \* Sec. 8. AS 12.61.010 is amended to read:

13 Sec. 12.61.010. RIGHTS OF CRIME VICTIMS. (a) Victims of crimes  
14 have the following rights:

15 (1) the right to be informed by the appropriate law en-  
16 forcement agency or the prosecuting attorney of the date of trial and  
17 the date of sentencing of the case in which the victim is involved;

18 (2) the right to be notified that a sentencing hearing or a  
19 court proceeding to which the victim has been subpoenaed will not  
20 occur as scheduled;

21 (3) the right to receive protection from harm and threats  
22 of harm arising out of cooperation with law enforcement and prosecu-  
23 tion efforts, and to be provided with information as to the protection  
24 available;

25 (4) the right to be informed of the procedure to be fol-  
26 lowed to apply for and receive any [VICTIM] compensation under AS 18.-  
27 67;

28 (5) at the request of the prosecution or a law enforcement  
29 agency, the right to cooperate with the criminal justice process

1 without loss of pay and other employee benefits except as authorized  
2 by AS 12.61.017 and without interference in any form by the employer  
3 of the victim of crime; [AND]

4 (6) the right to obtain access to immediate medical assis-  
5 tance and not to be detained for an unreasonable length of time by a  
6 law enforcement agency before having medical assistance administered;  
7 however, an employee of the law enforcement agency may, if necessary,  
8 accompany the person to a medical facility to question the person  
9 about the criminal incident if the questioning does not hinder the  
10 administration of medical assistance;

11 (7) the right to make a written or oral statement for use  
12 in preparation of the presentence report of a felony defendant;

13 (8) if the crime for which the defendant was convicted was  
14 a felony or a domestic violence assault, the right to appear person-  
15 ally at the defendant's sentencing hearing to present a written or  
16 oral statement; and

17 (9) the right to be informed by the prosecuting attorney,  
18 at any time after the defendant's conviction, about the complete  
19 record of the defendant's convictions.

20 (b) Law [VICTIMS' EMPLOYERS, LAW] enforcement agencies, prosecu-  
21 tors, and the courts shall make every reasonable effort to ensure that  
22 victims of crimes have the rights set out in (a) of this section.  
23 However, a failure to ensure these rights does not give rise to a  
24 separate cause of action against [VICTIMS' EMPLOYERS,] law enforcement  
25 agencies, other agencies of the state, or a political subdivision of  
26 the state.

27 \* Sec. 9. AS 12.61 is amended by adding new sections to read:

28 Sec. 12.61.015. DUTIES OF PROSECUTING ATTORNEY. (a) If a  
29 victim of a felony or a domestic violence assault requests, the

1 prosecuting attorney shall make a reasonable effort to

2 (1) confer with the person against whom the offense has  
3 been perpetrated about that person's testimony before the defendant's  
4 trial;

5 (2) in a manner reasonably calculated to give prompt actual  
6 notice, notify the victim

7 (A) of the defendant's conviction and the crimes of  
8 which the defendant was convicted;

9 (B) of the victim's right in a case that is a felony  
10 to make a written or oral statement for use in preparation of the  
11 defendant's presentence report, and to appear personally at the  
12 defendant's sentencing hearing to present a written or oral  
13 statement;

14 (C) of the address and telephone number of the office  
15 that will prepare the presentence report; and

16 (D) of the time and place of the sentencing proceed-  
17 ing;

18 (3) notify the victim in writing of the final disposition  
19 of the case within 30 days after final disposition of the case.

20 (b) The notice given under (a)(2) of this section must inform  
21 the victim that the statement of the victim may contain any relevant  
22 information including

23 (1) an explanation of the nature and extent of physical,  
24 psychological, or emotional harm or trauma suffered by the victim;

25 (2) an explanation of the extent of economic loss or prop-  
26 erty damage suffered by the victim;

27 (3) an opinion of the need for and extent of restitution  
28 and whether the victim has applied for or received compensation for  
29 loss or damage; and

1           (4) the recommendation of the victim for an appropriate  
2 sentence.

3           (c) The state and the prosecuting attorney may not be held  
4 liable in damages for any failure to comply with the requirements of  
5 this section.

6           Sec. 12.61.017. INTERFERENCE BY VICTIM'S EMPLOYER.   (a) An  
7 employer may not penalize or threaten to penalize a victim because the  
8 victim is subpoenaed or requested by the prosecuting attorney to  
9 attend a court proceeding for the purpose of giving testimony. In  
10 this section, "penalize" means to take action affecting the employment  
11 status, wages, and benefits payable to the victim, including:

12                   (1) demotion or suspension;

13                   (2) dismissal from employment; and

14                   (3) loss of pay or benefits, except pay and benefits that  
15 are directly attributable to the victim's absence from employment to  
16 attend the court proceeding.

17           (b) A person who violates (a) of this section is guilty of a  
18 violation.

19           (c) A victim who suffers a pecuniary loss as a result of an  
20 employer's act prohibited by this section may bring a civil action to  
21 recover actual damages and punitive damages of three times the actual  
22 damages sustained.

23 \* Sec. 10. AS 12.61 is amended by adding a new section to read:

24           Sec. 12.61.030. DESIGNATION OF REPRESENTATIVE. If more than one  
25 person who qualifies as a victim under AS 12.55.185 makes a request  
26 under this chapter, the prosecuting attorney shall designate one  
27 person for purposes of receiving the notice required and exercising  
28 the rights granted under this chapter.

29 \* Sec. 11. AS 12.61 is amended by adding a new section to read:

1           Sec. 12.61.900. DEFINITIONS. In this chapter

2           (1) "domestic violence assault" means an assault under  
3 AS 11.41.200 - 11.41.230 or 11.41.410 - 11.41.425 constituting a  
4 domestic violence offense under AS 25.35.060;

5           (2) "victim" has the meaning given in AS 12.55.185.

6 \* Sec. 12. AS 33.16.120(a) is repealed and reenacted to read:

7           (a) If the victim of a crime against a person or arson in the  
8 first degree requests notice of a scheduled hearing to review or con-  
9 sider discretionary parole for a prisoner convicted of that crime, the  
10 board shall send notice of the hearing to the victim at least 30 days  
11 before the hearing. The notice must be accompanied by a copy of the  
12 prisoner's application for parole submitted under AS 33.16.130(a).  
13 However, the copy of the application sent to the victim may not in-  
14 clude the prisoner's proposed residence and employment addresses.

15 \* Sec. 13. AS 33.16.120(b) is repealed and reenacted to read:

16           (b) A victim who requests notice under this section shall main-  
17 tain a current, valid mailing address on file with the board. The  
18 board shall send the notice required by this section to the last known  
19 address of the victim. The victim's address may not be disclosed to  
20 the prisoner or the prisoner's attorney.

21 \* Sec. 14. AS 33.16.120(c) is amended to read:

22           (c) The victim has a right to attend meetings of the parole  
23 board in which the status of the prisoner convicted of the crime  
24 against that victim is officially considered and to comment, in writ-  
25 ing or in person, on the proposed action of the board. Copies of any  
26 written [THE] comments shall be provided to the prisoner and the  
27 prisoner's attorney before action by the board.

28 \* Sec. 15. AS 33.16.120(e) is repealed and reenacted to read:

29           (e) If the victim requests, the board shall make every

1 reasonable effort to notify the victim as soon as practicable in  
2 writing of its decision to grant or deny discretionary parole or to  
3 release the prisoner under AS 33.16.010(c). The notice under this  
4 subsection must include the expected date of the prisoner's release,  
5 the geographic area in which the prisoner is required to reside, and  
6 other pertinent information concerning the prisoner's conditions of  
7 parole that may affect the victim.

8 \* Sec. 16. AS 33.16.150(b) is amended to read:

9 (b) The board may require as a condition of discretionary or  
10 mandatory parole that a prisoner released on parole

11 (1) meet family obligations;

12 (2) pursue employment, education, counseling, or training;

13 (3) remain within stated geographic limits unless written  
14 permission to depart from the stated limits is granted the parolee;

15 (4) report upon release to the parole officer assigned to  
16 the parolee;

17 (5) report as required to the parole officer assigned to  
18 the parolee;

19 (6) reside at a stated place and notify the board of any  
20 change in place of residence;

21 (7) not possess or control firearms or other dangerous  
22 weapons;

23 (8) refrain from possessing or consuming alcoholic beverages;  
24

25 (9) submit to reasonable searches and seizures by a parole  
26 officer, or a peace officer acting under the direction of a parole  
27 officer;

28 (10) submit to appropriate medical, mental health, or controlled  
29 substance or alcohol examination, treatment, or counseling;

1 (11) submit to periodic examinations designed to detect the  
2 use of alcohol or controlled substances;

3 (12) make restitution ordered by the court [TO A VICTIM OF  
4 THE PRISONER'S CRIME,] according to a schedule established by the  
5 board;

6 (13) refrain from opening, maintaining, or using a checking  
7 account or charge account;

8 (14) refrain from entering into a contract other than a  
9 prenuptial contract or a marriage contract;

10 (15) refrain from operating a motor vehicle;

11 (16) refrain from entering an establishment where alcoholic  
12 beverages are served, sold, or otherwise dispensed;

13 (17) refrain from participating in any other activity or  
14 associating with any other person that the board determines is rea-  
15 sonably likely to diminish the rehabilitative goals of parole, or that  
16 may endanger the public.

17 \* Sec. 17. AS 33.16 is amended by adding a new section to read:

18 Sec. 33.16.260. DESIGNATION OF REPRESENTATIVE. If more than one  
19 person who qualifies as a victim under AS 12.55.185 requests notice  
20 under this chapter, the commissioner shall designate one person for  
21 purposes of receiving the notice required and exercising the rights  
22 granted by this chapter.

23 \* Sec. 18. AS 33.20.080 is amended to read:

24 Sec. 33.20.080. BOARD OF PAROLE TO INVESTIGATE APPLICATIONS FOR  
25 EXECUTIVE CLEMENCY. The governor may refer applications for executive  
26 clemency to the board of parole. The board shall investigate each  
27 case and submit to the governor a report of the investigation, to-  
28 gether with all other information the board has regarding the appli-  
29 cant. When the report or investigation is submitted, the board shall

1 also transmit to the governor the comments it has received under (b)  
2 of this section.

3 \* Sec. 19. AS 33.20.080 is amended by adding new subsections to read:

4 (b) If requested by the victim of a crime against a person or  
5 arson in the first degree, the board shall send notice of an applica-  
6 tion for executive clemency submitted by the state prisoner who was  
7 convicted of that crime. The victim may comment in writing to the  
8 board on the application for executive clemency.

9 (c) If the victim desires notice under (b) of this section, the  
10 victim shall maintain a current, valid mailing address on file with  
11 the board. The board shall send the notice required under this sec-  
12 tion to the victim's last known address. The victim's address may not  
13 be disclosed to the applicant for executive clemency or the appli-  
14 cant's attorney.

15 (d) In this section,

16 (1) "crime against a person" has the meaning given in  
17 AS 33.30.901;

18 (2) "victim" has the meaning given in AS 12.55.185.

19 \* Sec. 20. AS 33.30 is amended by adding a new section to read:

20 Sec. 33.30.013. COMMISSIONER TO NOTIFY VICTIMS. (a) The com-  
21 missioner shall notify the victim if the offender

22 (1) escapes from custody;

23 (2) is released to the community on a furlough; or

24 (3) is released on an early release program.

25 (b) The commissioner is required to give notice of a change in  
26 the status of an offender under this section only if the victim has  
27 requested notice of the change.

28 (c) A victim who has requested notice under (b) of this section  
29 shall maintain a current, valid mailing address on file with the

1 commissioner. The commissioner shall send the notice from the depart-  
2 ment required by this section to the victim's last known address. The  
3 victim's address may not be disclosed to the offender or the offend-  
4 er's attorney.

5 (d) The state may not be held liable in damages for the failure  
6 of the commissioner to comply with the requirements of this section.

7 \* Sec. 21. AS 33.30.111(f) is repealed and reenacted to read:

8 (f) If the commissioner considers a prisoner convicted of a  
9 crime against a person or arson in the first degree for a prerelease  
10 furlough and the victim has requested notice under AS 33.30.013, the  
11 commissioner shall send notice of intent to consider the prisoner for  
12 a prerelease furlough to the victim. The victim may comment in writ-  
13 ing on the commissioner's intent to release the prisoner on prerelease  
14 furlough status. The commissioner shall consider the victim's com-  
15 ments before making a final decision to release a prisoner on a pre-  
16 release furlough. The commissioner shall make a reasonable effort to  
17 notify the victim of an intent to release the prisoner on a prerelease  
18 furlough. The notice must contain the expected date of the prisoner's  
19 release, the geographic area in which the prisoner will reside, and  
20 other pertinent information concerning the prisoner's release that may  
21 affect the victim.

22 \* Sec. 22. AS 33.30 is amended by adding a new section to read:

23 Sec. 33.30.292. DESIGNATION OF REPRESENTATIVE. If more than one  
24 person who qualifies as a victim under AS 12.55.185 requests notice  
25 under this chapter, the commissioner shall designate one person for  
26 purposes of receiving the notice required and of exercising the rights  
27 granted by this chapter.

28 \* Sec. 23. AS 33.30.901(6) is amended to read:

29 (6) "crime against a person" means a crime as set out in

1 AS 11.41, [EXCEPT CUSTODIAL INTERFERENCE UNDER AS 11.41.320 AND 11.-  
2 41.330;] or a crime against a person in this or another jurisdiction  
3 having elements substantially identical to those of a crime as set out  
4 in AS 11.41 [, EXCEPT CUSTODIAL INTERFERENCE UNDER AS 11.41.320 AND  
5 11.41.330];

6 \* Sec. 24. AS 47.10 is amended by adding a new section to read:

7 Sec. 47.10.072. ACCESS TO HEARING BY VICTIM. (a) If a crime  
8 was committed by a minor who is scheduled for a hearing under AS 47.-  
9 10.070, the victim may request from the court permission to attend the  
10 hearing. If the victim requests, the department shall provide techni-  
11 cal assistance to the victim in preparing a written submission to the  
12 court requesting access to the hearing. The department shall make  
13 reasonable efforts to inform victims of the availability of this  
14 assistance.

15 (b) If more than one person who qualifies as a victim under  
16 AS 12.55.185 makes a request, the commissioner of health and social  
17 services shall designate one person for purposes of receiving the  
18 notice and exercising the rights granted by this section.

19 (c) In this section, "victim" has the meaning given in AS 12.-  
20 55.185.

21 \* Sec. 25. AS 12.61.020(e)(2) is repealed.

22 \* Sec. 26. Rule 32(d)(1), Alaska Rules of Criminal Procedure, is amend-  
23 ed to read:

24 (1) WHEN MADE. The probation service shall make a presen-  
25 tence investigation and report before the court imposes sentence or  
26 grants probation. The presentence investigation and report shall be  
27 completed and made available to the court. The report shall not be  
28 disclosed to any one except counsel unless the defendant has tendered  
29 a plea of guilty or nolo contendere or has been found guilty. If the

1 crime for which the person is to be sentenced is a felony, the con-  
2 tents shall be disclosed to counsel for the parties before the time of  
3 the hearing on the aggravator and mitigator factors and sentencing.

4 The court may utilize the report in determining if a bargained sen-  
5 tence recommendation will be followed pursuant to Rule 11. In the  
6 event the attorneys for the parties request the preparation of a  
7 presentence report to aid them in plea bargaining the court may order  
8 such report to be made prior to the time stated in this rule.

9 \* Sec. 27. Rule 32, Alaska Rules of Criminal Procedure, is amended by  
10 adding new paragraphs to read:

11 (g) WRITTEN STATEMENT SUBMITTED BY VICTIM OR VICTIM'S REPRESENTATIVE. If a written statement is prepared and submitted by the  
12 victim of a felony offense or a domestic violence assault under AS 12.  
13 55.023, the trial court  
14

15 (1) shall take the content of the written statement into  
16 consideration

17 (A) when preparing those elements of the sentencing  
18 report required by AS 12.55.025 that relate to the effect of the  
19 offense on the victim;

20 (B) when considering the need for restitution under  
21 AS 12.55.045; and

22 (2) may take the content of the written statement into  
23 consideration in any other circumstance that the court believes neces-  
24 sary.

25 (h) In (g) of this rule,

26 (1) "domestic violence assault" has the meaning given in  
27 AS 12.61.900;

28 (2) "victim" has the meaning given in AS 12.55.185.

29 \* Sec. 28. Rule 35, Alaska Rules of Criminal Procedure, is amended by

1 adding new paragraphs to read:

2 (c) The victim may comment on motions made under this rule as  
3 follows:

4 (1) When an individual convicted of a crime against a  
5 person or arson in the first degree files a motion to modify or reduce  
6 a sentence, the court shall, if feasible, send a copy of the motion to  
7 the Department of Corrections sufficiently in advance of any scheduled  
8 hearing or briefing deadline to enable the department to notify the  
9 victim, as directed by AS 12.55.088(e).

10 (2) The court shall provide copies of the victim's comments  
11 to the prosecuting attorney and to the person filing the motion to  
12 reduce or modify a sentence, or the person's attorney.

13 (3) The court shall consider the comments of the victim  
14 when relevant, and any response offered by the prosecuting attorney or  
15 the person filing the motion, in deciding whether to reduce or modify  
16 a sentence.

17 (4) If more than one person who qualifies as a victim under  
18 paragraph (d)(2) of this rule requests the opportunity to exercise  
19 rights under this paragraph, the court shall allow the person des-  
20 ignated under AS 12.55.172 to exercise those rights, or if a person  
21 has not been designated under AS 12.55.172, the court shall designate  
22 one person for purposes of exercising rights under this paragraph.

23 (d) In this rule,

24 (1) "crime against a person" has the meaning given in  
25 AS 33.30.901;

26 (2) "victim" has the meaning given in AS 12.55.185.

27 \* Sec. 29. APPLICABILITY. The provisions of this Act prescribing the  
28 rights of a crime victim and of a crime victim's relative or survivor  
29 during the course of criminal, civil, and administrative proceedings apply

1 to proceedings against defendants initiated on or after the effective date  
2 of this Act.