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COMMITTEE REPORT

SENATE

4/20/81

FURTHER: Judiciary

Date: _____

Mr. President:

HEALTH, EDUCATION &
SOCIAL SERVICES

The Committee on _____ has had SB 485

permitting the videotaping of testimony of young victims of sexual assault or sexual abuse of a minor

under consideration and (a majority of the committee) (the committee) reports it back with the following recommendations:

- do pass do not pass
- do pass with attached amendments(s)
- replace with CS for _____ same title
- and recommends _____ new title
- AND attaches a "Letter of Intent" New Fiscal Note
- reports it back without recommendation
- referred to the _____ Committee

MEMBERS SIGNING
DO PASS

[Handwritten signatures]

MEMBERS HAVING
OTHER RECOMMENDATIONS:

[Handwritten signature]

CHAIRMAN



Superior Court

State of Alaska

FIRST JUDICIAL DISTRICT
415 MAIN STREET, ROOM 402
KETCHIKAN, ALASKA 99901

January 23, 1980

Chambers of
THOMAS E. SCHULZ, Judge

Hon. Charles Parr
Chairman, Judiciary Committee
Alaska House of Representatives
Pouch V
Juneau, Alaska 99811

Re: H.B. 532

Dear Representative Parr:

I have received a copy of H. B. 532 which authorizes the videotaping of testimony of young sexual assault victims. I think the Bill is an excellent idea and hopefully it can be passed by the Legislature this Session so that Rule 804 of the Rules of Evidence can be changed. I am wondering, however, if Sec. 12.45.047 (c) could be changed to allow the videotaping of the evidence prior to trial. I don't know why the Bill as presently written authorizes the videotaping of such evidence only after the trial has begun, and there may well be valid reasons for that, but trials, despite the best of planning give frequent interruptions in any event, and it seems to me that if we could videotape this evidence prior to trial, it could be presented to the jury in the normal course of events without having another built in interruption. Certainly, it would be more convenient to the jurors involved and probably other witnesses if a hearing could be held sometime shortly before trial to determine whether the videotaping was necessary, and if so, simply do it then, and have the evidence ready for the trial. Other than that, I would urge the Legislature to take affirmative action on this measure.

Very truly yours,


Thomas E. Schulz
Superior Court Judge

TES:ri

BILL ANALYSIS

ASSIGNMENT DATE: _____

UNASSIGNED: _____

DEPARTMENT	SPONSOR (PRINCIPAL)		BIL' NO.
Public Safety	Judiciary Committee		HB 532
DEPARTMENT POSITION			
Support			
DIVISION DIRECTOR	DATE	COMMISSIONER	DATE
Col. Tom Anderson	1-23-80	<i>for</i> William R. Nix / <i>MS</i>	1-23-80
GOVERNOR'S OFFICE USE			
<input type="checkbox"/> POSITION NOTED <input type="checkbox"/> POSITION APPROVED <input type="checkbox"/> POSITION DISAPPROVED			
BY:		DATE:	
SUMMARY			
(1) RELATED BILLS (SIMILAR OR CONFLICTING)			
(2) OTHER AGENCIES AFFECTED BY BILL			
(2) a. ORGANIZATIONAL SUPPORT FOR BILL			(2) b. ORGANIZATIONAL OPPOSITION TO BILL
Unk.			Unk.
(3) PROGRAM EFFECTS OF BILL			
None			
(4) FISCAL IMPACT <input checked="" type="checkbox"/> NONE <input type="checkbox"/> FISCAL ANALYSIS ATTACHED			
(5) AMENDMENTS PROPOSED			
None			

(6) COMMENTS:

This bill will alleviate some of the emotional distress on the part of the child when testifying and will probably result in a higher degree of cooperation on the part of the parents, knowing that the testimony will not be taking place in open court.

STATE OF ALASKA

JAY S. HAMMOND, GOVERNOR

DEPT. OF HEALTH AND SOCIAL SERVICES

DIVISION OF FAMILY AND YOUTH SERVICES

POUCH H-05
JUNEAU, ALASKA 99811
PHONE: (907) 465-3170

May 8, 1981

Document# 126-81

Honorable Charles H. Parr
Chairman, SHESS
Alaska State Legislature
Alaska State Senate
Pouch V
Juneau, Alaska 99811

Dear Senator Parr:

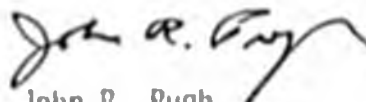
The intent of this letter is to share the Division's views regarding Senate Bill No. 547, which permits the videotaping of, or the exclusion of the public during testimony of young victims of sexual assault.

This Bill provides that a child 16 years of age or younger who is a victim of sexual assault or sexual abuse could provide testimony by videotape rather than having to appear in open court. The Bill provides a presumption that a child under the age of 16 will suffer severe emotional distress if required to testify in open court. The judge presides at the videotaping proceeding and rules on all questions as if at trial, and the defendant has the right to an attorney and to confront and cross-examine the witness. In addition, this Bill provides that the public may be excluded from the courtroom while the testimony of a child is taken.

The Division is in full support of Senate Bill No. 547. Cases of sexual assault often have sensational aspects which bring curiosity-seekers and the press to the courtroom. To testify before a crowded courtroom can be emotionally harmful to a child who has already suffered trauma from the assault or abuse. This Bill would provide protection for the child from some of the more harmful aspects of such testimony.

I and members of my staff would be most happy to provide further information at your request.

Sincerely,



John R. Pugh
Director

JRP:HK:kk

§918.17 Sexual battery or child abuse cases: videotaping of testimony of victims under age 12 permitted.—

(1) Upon application to the court and reasonable notice to the defendant, the state may apply for an order to videotape out of open court the testimony of a child 11 years of age or younger who has been the victim of a sexual battery under s. 794.011 or to videotape the testimony of a child 11 years of age or younger who has been the victim of aggravated child abuse under s. 827.03 or child abuse under s. 827.04. The court may grant an order to videotape testimony as provided herein only if it finds that:

(a) The victim of the offense is a child 11 years of age or younger; and

(b) There is a substantial likelihood that such child will suffer severe emotional or mental strain if required to testify in open court.

(2) The trial judge shall preside at such proceeding and shall rule on all questions as if at trial.

(3) The application referred to in subsection (1) shall be made prior to trial, and the videotaping of the testimony shall be made only after the trial has commenced. The videotaped testimony shall be admissible as evidence in the trial of the cause.

History.—s. 1, § 79-69

Note.—Section 2, ch. 79-69, repeals Rule 2.100(b), Florida Rules of Criminal Procedure, insofar as it is in conflict with the provisions of this section.

SB 485 file

POSITION PAPER

SENATE BILL NO. 485

"An Act permitting the videotaping of testimony of young victims of sexual assault or sexual abuse of a minor; and changing Rule 804, Alaska Rules of Evidence relating to exceptions of the hearsay rule."

Senate Bill No. 485 allows for victims of sexual assault who are 16 years of age or younger to provide testimony out of court through videotape means when there is likelihood the child will suffer severe emotional distress if required to testify in open court. It further specifies that the trial judge shall preside at the videotape proceedings and shall rule on all questions as if at trial, and specifies at what point testimony will take place, if granted. In addition, this Bill changes Rule 804, Alaska Rules of Evidence, specifying this as an exception to the hearsay rule.

For young children to provide testimony in open court can be a very trying experience, with the potential for long-lasting emotional harm. The provision of this Bill would enable a child to avoid some of the more traumatic elements of providing testimony. Therefore, the Department of Health and Social Services is supportive of Senate Bill No. 485.

RECOMMENDED BY: *John R. Pugh*
John R. Pugh, Director
Division of Family and
Youth Services

DATE: 7/27/81

APPROVED BY: *Helen D. Helmer*
Helen D. Helmer
Commissioner

DATE: 5/1/81

THE LEGISLATURE OF THE STATE OF ALASKA
TWELFTH LEGISLATURE

FISCAL NOTE

I. REQUEST

Bill/Resolution No. SENATE BILL NO. 485
 Title "videotaping of young victims of sexual assault or abuse, changing Rule 804..."
 Requested by Parr and Fischer Date 4/20/81

II. FISCAL DETAIL

Agency Affected Department of Health and Social Services
 Program Category Affected Social Services
 BRU, Program, or Subprogram(s) Affected Various
 (Note: If more than one budget component is affected, separate line-item amounts and funding for each component in the analysis section.)
EXPENDITURES (Thousands of Dollars)

	FY 81	FY 82	FY 83	FY 84	FY 85	FY 86
100 PERSONAL SERVICES						
200 TRAVEL						
300 CONTRACTUAL						
400 COMMODITIES						
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS, ETC.						
TOTAL	-0-	-0-	-0-	-0-	-0-	-0-

FUNDING (Thousands of Dollars)

GENERAL FUND	-0-	-0-	-0-	-0-	-0-	-0-
FEDERAL FUNDS	-0-	-0-	-0-	-0-	-0-	-0-
OTHER (Specify Fund Source)	-0-	-0-	-0-	-0-	-0-	-0-
	-0-	-0-	-0-	-0-	-0-	-0-

POSITIONS

FULL TIME	-0-	-0-	-0-	-0-	-0-	-0-
PART TIME	-0-	-0-	-0-	-0-	-0-	-0-
TEMPORARY	-0-	-0-	-0-	-0-	-0-	-0-

III. ANALYSIS (See Fiscal Note Description of Initiatives Budget Section III)

Senate Bill No. 485 has no

impact on the Department of Health and Social Services.

IV. DATE

4/27/81

PREPARED BY

John H. Fyfe, Director
 Division of Family and Youth Services

Original Legislative Finance
 Budget and Management
 Fiscal Services Unit Legislative Council

MA Approval 4/27/81 Date 4/27/81

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RECOMMENDED BY:

John R. Pugh
John R. Pugh, Director
Division of Family and
Youth Services

DATE:

7/27/81

APPROVED BY:

Helen D. Cairne
Helen D. Cairne
Commissioner

DATE:

5/1/81

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TWELFTH LEGISLATURE

FISCAL NOTE

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TOTAL	-0-	-0-	-0-	-0-	-0-	-0-

FUNDING (Thousands of Dollars)

GENERAL FUND	-0-	-0-	-0-	-0-	-0-	-0-
FEDERAL FUNDS	-0-	-0-	-0-	-0-	-0-	-0-
OTHER (Specify Fund Source)	-0-	-0-	-0-	-0-	-0-	-0-
	-0-	-0-	-0-	-0-	-0-	-0-
	-0-	-0-	-0-	-0-	-0-	-0-

POSITIONS

FULL TIME	-0-	-0-	-0-	-0-	-0-	-0-
PART TIME	-0-	-0-	-0-	-0-	-0-	-0-
TEMPORARY	-0-	-0-	-0-	-0-	-0-	-0-

III. ANALYSIS (See Fiscal Note Preparation Instructions, Section III)

Senate Bill No. 485 has no fiscal impact on the Department of Health and Social Services.

IV. DATE 4/27/81 PREPARED BY John R. Pugh, Director
 AGENCY Division of Family and Youth Services
 Original Legislative Finance PHONE 465-1170
 cc: Budget and Management
 Prime Sponsor (Last Legislator Named) M&B Approval Date 4/27/81