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Memorandum

Alaska Court System

TO:

Arthur H. Snowden, II
Administrative Director

DATE : February 22, 1982

FROM: Karla L. Forsythe *KF*
General Counsel

SUBJECT: HB 627: Crime Victims
and Witnesses

Status: Hearing before House Judiciary on Wednesday,
February 24

Impact on Court System

1. The right to be provided, whenever practical, a secure waiting area during court proceedings that does not require the victim or witness to be in close proximity to a defendant and the family or friends of a defendant (AS 12.61.010(a)(5) - page 2, line 9).

Comment: Literal implementation of this "right" is impractical because of spatial and financial considerations.

2. Duty of court relating to victims of domestic violence (AS 12.61.020 - page 3-4).

The court "may" not dismiss criminal charges because of a pending divorce or because the victim has failed to file for divorce.

The court "may" identify by any reasonable means in the public records of the court those criminal actions arising from acts of domestic violence.

Comment:

- Violates separation of powers by telling the court how to handle cases.
- Prosecutors and not the courts dismiss charges; statute incorrectly attributes this problem to the court.
- The section is drafted with the permissive word "may" rather than the mandatory "shall", so the court is not required to undertake these "duties".

3. At time of arraignment court shall determine as a condition of pre-trial release whether it is necessary to order defendant not to contact the victim.

The decision must be in writing. Wilful violation of the order is a Class A misdemeanor, and orders must so state.

Comment:

- No additional paperwork because order could be entered on current forms.
 - Some support within the court for the provision which makes violation of these orders a misdemeanor.
4. Requires in camera review of crisis intervention service records which defense attorney seeks to discover.

Comment: Nothing in current law prohibits in camera review. Placing this requirement in the statute will bring it to the attention of defense attorneys, who will use it more often.

5. Requires court to disclose to victims of juvenile crimes the manner in which the court disposed of the matter.

Comment: No problems should arise in implementing this requirement.

KLF/jb