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Luckhaupt  
1/17/94

CS FOR HOUSE BILL NO. 350( )  
IN THE LEGISLATURE OF THE STATE OF ALASKA  
EIGHTEENTH LEGISLATURE - SECOND SESSION

BY

Offered:  
Referred:

Sponsor(s): REPRESENTATIVE JAMES

A BILL

FOR AN ACT ENTITLED

1 "An Act requiring that all official interviews with children who are alleged to  
2 have been abused or neglected be videotaped."

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

4 \* Section 1. AS 47.17.027(c) is amended to read:

5 (a) If the department or a law enforcement agency provides written  
6 certification to the child's school officials that (1) there is reasonable cause to suspect  
7 that the child has been abused or neglected by a person responsible for the child's  
8 welfare or as a result of conditions created by a person responsible for the child's  
9 welfare; (2) an interview at school is a necessary part of an investigation to determine  
10 whether the child has been abused or neglected; and (3) the interview at school is in  
11 the best interests of the child, school officials shall permit the child to be interviewed  
12 at school by the department or a law enforcement agency before notification of, or  
13 receiving permission from, the child's parent, guardian, or custodian. A school official  
14 shall be present during an interview at the school unless the child objects or the

1 department or law enforcement agency determines that the presence of the school  
2 official will interfere with the investigation. The initial interview shall be taped as  
3 required by AS 47.17.035. Immediately after conducting an interview authorized  
4 under this section, and after informing the child of the intention to notify the child's  
5 parent, guardian, or custodian, the department or agency shall make every reasonable  
6 effort to notify the child's parent, guardian, or custodian that the interview occurred  
7 unless it appears to the department or agency that notifying the child's parent,  
8 guardian, or custodian would endanger the child.

9 \* Sec. 2. AS 47.17 is amended by adding a new section to read:

10 Sec. 47.17.035. VIDEOTAPING OF INTERVIEWS. (a) Upon receiving a  
11 report that a child has been abused or neglected, an officer, employee, or agent of the  
12 department, a local government health or social services agency, a law enforcement  
13 agency, or another state or local government agency or unit shall videotape the initial  
14 interview with the child. If videotaping is impracticable, the initial interview shall be  
15 audiotaped. This section does not prohibit a person from testifying concerning the  
16 initial interview if the initial interview was not videotaped or audiotaped due to a  
17 mechanical or other malfunction of the recording equipment. If an initial interview is  
18 jointly conducted by two or more agencies, the videotape or audiotape may be made  
19 by any of the agencies conducting the interview.

20 (b) A videotape or audiotape of an interview under (a) of this section is  
21 confidential and is not a public record under AS 09.25.110 - 09.25.125. The videotape  
22 or audiotape or a transcript of the videotape or audiotape may not be disclosed to any  
23 person except

24 (1) to an agency authorized to conduct such an interview;

25 (2) in a criminal, civil, or juvenile proceeding based upon the  
26 allegations made in or discovered due to the interview; or

27 (3) if a court with jurisdiction, after inspecting the videotape in camera,  
28 determines that the need for disclosure outweighs the child's privacy interests and  
29 orders the disclosure.

# Alaska State Legislature

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## House Of Representatives

### SPONSOR STATEMENT

HB 350

**"AN ACT REQUIRING THAT ALL OFFICIAL INTERVIEWS WITH CHILDREN WHO ARE ALLEGED TO HAVE BEEN ABUSED OR NEGLECTED BE TAPED."**

The intent of this bill is to have a video camera or audio tape recorder turned on immediately at the start of the original, initial official interview with an allegedly abused or neglected child and to record the entire interview.

Tapes made under these provisions would be stored with strictest security and available for viewing only from order by proper judicial authority.

Relating to emotion-laden situations, adults' perceptions and memories are not necessarily reliable, and children can be led to make imaginary happenings sound like fact and to finally believe these fantasies themselves. The credibility of all parties can become suspect and an accurate objective judgement is then impossible.

This bill would help dispel incorrect perceptions and allow fairness to children, parents, guardians, agency employees, and all concerned parties dealing with these delicate and very subjective cases of alleged child abuse and neglect.