

HB

68



# **REPRESENTATIVE RALPH SAMUELS**

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HOUSE DISTRICT 29

## **CS HB 68 Sponsor Statement**

### **“An Act relating to the jurisdiction of the Office of Victims’ Rights”**

This legislation was sponsored to clarify that municipalities be specifically included in the definition of a justice agency. It was the intent of the original bill for the Office of Victims’ Rights to be able to communicate directly with the municipality, the police department and the department of law, and a minor technical change is needed to make this happen. As a result of the minor language change, the Office of Victims’ Rights will have jurisdiction to act on behalf of the victims it represents with all critical agencies.

**Email:** [Representative\\_Ralph\\_Samuels@legis.state.ak.us](mailto:Representative_Ralph_Samuels@legis.state.ak.us)

**Session:** Alaska State Capitol, Juneau, Alaska 99801-1182 • **Phone:** (907) 465-2095 **Fax:** (907) 465-3810  
**Interim:** 716 W. 4th Ave., Anchorage, Alaska 99501-2133 • **Phone:** (907) 269-0240 **Fax:** (907) 269-0242

# FISCAL NOTE

**STATE OF ALASKA**  
**2003 LEGISLATIVE SESSION**

Fiscal Note Number: 1  
 Bill Version: CSHB 68(JUD)  
 (H) Publish Date: 2/7/03

Revision Date/Time (Note if correction): \_\_\_\_\_ Dept. Affected: Legislature  
 Title "An Act relating to the office of victims'... BRU Legislative Council  
 \_\_\_\_\_ Component Council and Subcommittees  
 Sponsor Representative Samuels, Stoltze, ...  
 Requester House Judiciary Component No. 783

**Expenditures/Revenues** (Thousands of Dollars)

Note: Amounts do not include inflation unless otherwise noted below.

OPERATING EXPENDITURES	FY 2004	FY 2005	FY 2006	FY 2007	FY 2008	FY 2009
Personal Services						
Travel						
Contractual	0.0	0.0	0.0	0.0	0.0	0.0
Supplies						
Equipment						
Land & Structures						
Grants & Claims						
Miscellaneous						
<b>TOTAL OPERATING</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

<b>CAPITAL EXPENDITURES</b>						
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<b>CHANGE IN REVENUES ( )</b>						
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**FUND SOURCE** (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF	0.0	0.0	0.0	0.0	0.0	0.0
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (Specify Type--Do not abbreviate)						
<b>TOTAL</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

Estimate of any current year (FY2003) cost: 0.0  
 Check this box (X) if funding for this bill is included in the Governor's FY 2003 budget proposal:

**POSITIONS**

Full-time	0	0	0	0	0	0
Part-time						
Temporary						

**ANALYSIS:** (Attach a separate page if necessary)  
 HB 68 amends the definition of "justice agency" under AS 24.65.250(1) to include municipalities. This bill has zero fiscal impact to the Office of Victims' Rights as the office currently works with municipalities on a statewide basis. This amendment would clarify the current practice of the Office of Victims' Rights.

Prepared by: Karla Schofield, Deputy Director Phone 465-3850  
 Division Administrative Services Date/Time 2/4/03 5:08 PM  
 Approved by: Pamela A. Varni, Executive Director Date 2/4/2003  
 Agency Legislative Affairs Agency

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# Municipality of Anchorage

Office of the Mayor  
George P. Wuerch, Mayor



January 29, 2003

Senator Lyda Green  
State of Alaska  
State Capitol, Room 516  
Juneau, AK 99801-1182

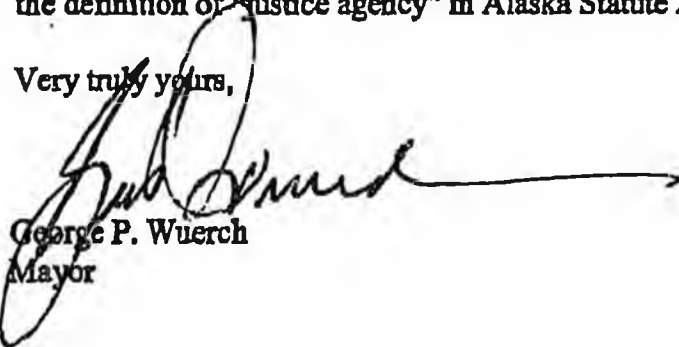
Representative Ralph Samuels  
State of Alaska  
State Capitol, Room 412  
Juneau, AK 99801-1182

Re: House Bill Relating to the Office of Victims' Rights

Dear Senator Green and Representative Samuels:

Please include municipalities as a unit of government, along with the executive and judicial branches of State government, in which there are "justice agencies", under the jurisdiction of the Office of Victims' Rights. (Revisions to Alaska Statute 24.65.110 and the definition of "justice agency" in Alaska Statute 24.65.250.)

Very truly yours,

  
George P. Wuerch  
Mayor

**Municipality  
of  
Anchorage**



P.O. Box 196650  
Anchorage, Alaska 99519-6650  
Telephone: (907) 543-4311  
Fax: (907) 543-4313 or 543-4780  
[www.ci.anchorage.ak.us/Assembly](http://www.ci.anchorage.ak.us/Assembly)

**ANCHORAGE ASSEMBLY**

**January 31, 2003**

**Representative Ralph Samuels  
Room 409  
State Capitol  
Juneau AK 99801-1182**

**Dear Representative Samuels:**

**You have offered HB 38 along with seven of your house colleagues relating to the jurisdiction of the State Office of Victims' Rights. The Bill would clarify State law by making specific reference to Municipalities in its definition of justice agencies within OVR's jurisdiction. Enactment would resolve a technical question first raised by Anchorage Municipal Attorney Bill Green in connection with OVR's inquiry into the Godfrey shooting.**

**First by resolution and later by an amendment to the Anchorage Municipal Code, the Anchorage Assembly has already gone on record as acknowledging the jurisdiction of the State Office of Victims' Rights over the Municipality and requiring Municipal Officials to cooperate with that agency in its investigations. Based on these prior enactments and comments of individual members on January 28, 2002, when we first learned of your introduction of HB 68, I can safely say the Anchorage Assembly supports the goal of this legislation and would urge its enactment. If a more formal resolution of the Assembly would be helpful, please contact me.**

**Sincerely,**

A handwritten signature in cursive script that reads "Dick Traini".

**Dick Traini  
Chair**



**STATE OF ALASKA  
OFFICE OF VICTIMS' RIGHTS**

Ralph Samuels  
Representative  
State Capitol, Room 409  
Juneau, Alaska 99801-1182

January 30, 2003

Lyda Green  
Senator  
State Capitol, Room 516  
Juneau, Alaska 99801-1182

RE: House Bill 68 and Senate Bill 42

Dear Representative Samuels and Senator Green:

In 2001 the Alaska legislature enacted a law that created a new agency within the legislature known as the Alaska Office of Victims' Rights (OVR) of which I am the director. The law, which may be found in Alaska statutes 24.65.010.250, went into effect on July 1, 2002. Our purpose is to help crime victims when they are unexpectedly and suddenly drawn into an often indifferent but always confusing criminal justice system at a time when they are trying to cope with injury and personal loss. It is equally to protect the rights they have under Alaska's constitution and statutes while working with police, prosecutors and criminal justice agencies as the investigation and prosecution of their cases unfolds, which can sometimes take months or years. Our clients, which now number more than 100, have sought a variety of services including information, education, investigation, in court advocacy and support. In providing these needed services we have focused on facilitating a cooperative relationship between criminal justice agencies and victims of crime.

While we have statewide jurisdiction, and assist many crime victims throughout Alaska, most of our clients reside within the Municipality of

1007 WEST 3RD AVENUE, SUITE 205 • ANCHORAGE, ALASKA 99501-1936  
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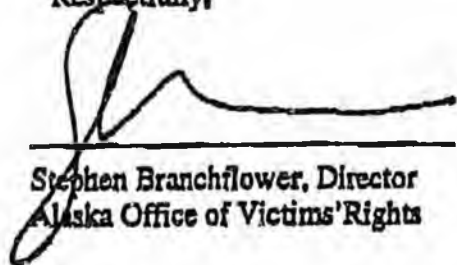
Anchorage, the state's most populated city. The Anchorage Police Department (APD), the largest law enforcement organization in the state, is responsible for investigating the majority of criminal cases in this community and is the justice agency we deal with for more than two-thirds of our cases.

I support passage of the amendment proposed in HB 68 and its companion in the Senate, SB 42, because it would clarify the definition of the term "justice agency" in AS 24.65.110(a)(1) by making it clear that APD, falls under the OVR's oversight. The legislature necessarily meant to include this police department and large population of victims under the umbrella of OVR's protection when it created this office. Since the amended statute will have statewide application, it will make it clear that police departments in smaller jurisdictions are also covered.

Officials of the Municipality of Anchorage are on record supporting the purpose of HB 68 and SB 42. For example, members of the Anchorage Assembly unanimously voted for passage of AO 2003-2 on January 28, 2003. That new ordinance states in pertinent part "The jurisdiction of the Office of Victims' rights over the Municipality of Anchorage, its departments, agencies, officials, and employees is officially acknowledged." Also, Anchorage's Mayor George Wuerch supported enactment of AO 2003-2, and spoke in favor of that ordinance when it came up for assembly action on the 28<sup>th</sup>. He has requested that you sponsor HB 68 on his behalf.

For these reasons, I join with the Mayor, Anchorage Assembly members, and others in the community who will be supporting this legislation, to urge passage of this needed amendment.

Respectfully,



Stephen Branchflower, Director  
Alaska Office of Victims' Rights

Cc: Representatives Bill Stoltze, Lesil McGuire, Tom Anderson, Kevin Meyer,  
Max Gruenberg, Mike Hawker, co-sponsors of HB 68

State of Alaska Representative, Ralph Samuels  
State Capitol Room 409  
Juneau, Alaska 99801-1182

February 2, 2003

Dear Representative Samuels:

We are writing this letter in support of House Bill 68 and Senate Bill 42 in an effort to encourage, or compel, if necessary, all municipalities within the state of Alaska to comply with The Office of Victims' Rights when it is operating in the capacity, which it was intended to. By bringing clarity to the term "justice agency" it would appear as though there would remain little room for the authority and jurisdiction of The Office of Victims' Rights to be misconstrued by any municipality or agency of justice governed by a municipality.

The unfortunate tragedy that recently struck our family created a need for us to turn to the OVR. As a resource the OVR has been invaluable. However, the investigation we requested by The Office of Victims' Rights was hindered through a delayed process of disclosure, which ultimately prolonged the investigation as well as the frustration of our family. An intermittent reluctance by the Anchorage Municipal Attorney's office to acknowledge the jurisdiction of The Office of Victims' Rights hampered, what should and could have been, a more expeditious process. We would desire that no one would suffer such a plight as ours, but should it happen again, we believe that no investigation should be inhibited by a question of jurisdiction or authority of The Office of Victims' Rights. That potential no longer exists within the Municipality of Anchorage because the assembly and mayor have graciously recognized the jurisdiction of the OVR through municipal ordinance. Unfortunately, that only accounts for Anchorage and the "justice agencies" within it. It is therefore prudent and timely for this legislature to ensure the intent of the previous legislature in clarifying the jurisdiction in the wording of the bill, which created The Office of Victims' Rights. We hereby embrace the sponsorship of the previously stated bills and encourage the passage of the amended wording.

Sincerest thanks,



Gerard Godfrey, The Godfrey Family

# Anchorage Daily News

January 30, 2003



**Alaska  
Legislature**

**ON THE WEB:**

For more information on the Alaska Legislature, including easy ways to contact lawmakers, go to [www.adn.com/legislature](http://www.adn.com/legislature)

## Bills would clarify jurisdiction

**AUTHORITY:** Reach of state victims' rights advocate would extend into municipality.

**The Associated Press**

**JUNEAU** — Several lawmakers want to make clear that a state victims' rights advocate can get involved in municipal as well as state cases.

House Bill 88, which was introduced Wednesday, stems from the state Office of Victims' Rights investigation into the slow response by Anchorage emergency workers to the August shootings of Glenn and Patti Godfrey.

Glenn Godfrey, a retired public safety commissioner, was killed by his former girlfriend, Karen Brand, who also killed herself and shot Godfrey's wife, Patti.

Because of problems in the Anchorage police dispatch system, it took emergency workers 48 minutes to reach Patti God-

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*When the office issued its critical report on the Godfrey case in November, Anchorage municipal attorney Bill Greene questioned whether the victims' rights office had jurisdiction in the case.*

---

frey, who lay bleeding in her Eagle River home.

The Office of Victims' Rights investigated the case and issued a report finding Patti Godfrey's right to emergency help had been violated and urged changes in the Anchorage dispatch system.

The bill's sponsor, Rep. Ralph Samuels,

R-Anchorage, said Anchorage Mayor George Wuerch requested the legislation.

Current law does not make it clear whether the Office of Victims' Rights has authority to investigate municipalities' responses to crime, Samuels said.

When the office issued its critical report on the Godfrey case in November, Anchorage municipal attorney Bill Greene questioned whether the victims' rights office had jurisdiction in the case.

Jennifer Payne, a spokeswoman for Wuerch, said the mayor supports the legislation because he wants to make clear the city does not want to thwart the work of the victims' rights office.

"The mayor wanted to make sure that was cleared up, so there was no misunderstanding," Payne said.

Seven representatives have signed on as co-sponsors to the bill. A similar bill was introduced Wednesday in the Senate by Sen. Lyda Green, R-Wasilla. It is Senate Bill 42.

**Sec. 29.71.050. Procurement preferences for recycled Alaska products.**

(a) Alaska recycled products shall be used in municipal procurements when the products are of comparable quality, of equivalent price, and appropriate for the intended use.

(b) Unless the procurement is governed by AS 29.71.040, in the evaluation of a bid or proposal for a procurement by a municipality, if a bid or proposal designates the use of recycled Alaska products for the products identified in the contract specifications, and if the recycled Alaska products meet the contract specifications, the bid or offer shall be decreased by the percentage of preference given to the recycled Alaska products under AS 36.30.332.

(c) The contract specifications for a municipal procurement must include a provision that describes the preference granted under (b) of this section.

(d) If a successful bidder or offeror who receives the preference under (b) of this section fails to use the designated recycled Alaska product for a reason within the control of the successful bidder or offeror, each payment under the contract shall be reduced by the percentage reduction scheduled under AS 36.30.330(a) for the classification the product has received under AS 36.30.332.

(e) In the evaluation of a bid or proposal for a municipal procurement, a person is not a responsible bidder or offeror if, during two contracts for which the person received a preference under (b) of this section during the preceding three years, the person failed to use the recycled Alaska product designated in the person's bids or proposals for the contracts for reasons within the control of the bidder or offeror.

(f) This section applies to home rule and general law municipalities.

(g) In this section, "recycled Alaska product" has the meaning given in AS 36.30.338. (§ 3 ch 63 SLA 1988)

**Revisor's notes.** — Enacted as AS 29.71.040. Renumbered in 1988. Also in 1988, a reference to "AS 29.71.040" in (b) of this section was substituted for a reference to "AS 36.15.050" to reflect the amendment to AS 36.15.050 and enactment of AS 29.71.040 by ch. 64, SLA 1988.

**Sec. 29.71.060. Copyrights in computer software.** A municipality may hold the copyright for software created by the municipality or developed by a contractor for the municipality, and may enforce its rights to protect the copyright. (§ 13 ch 200 SLA 1990)

**Sec. 29.71.800. Definitions.** In this title, unless otherwise provided or the context otherwise requires,

(1) "areawide" means throughout a borough, both inside and outside all cities in the borough;

(2) "assembly" means the governing body of a borough;

(3) "borough" means a general law borough or a home rule borough;

(4) "city" means a general law first or second class city or a home rule city;

(5) "commissioner" means the commissioner of community and economic development;

(6) "consolidation" means dissolution of two or more municipalities and their incorporation as a new municipality;

(7) "council" means the governing body of a city;

(8) "department" means the Department of Community and Economic Development;

(9) "election" means a regular or special municipal election and does not include a state election;

(10) "governing body" means the legislative body of a municipality that is the assembly of a borough or the council of a city;

(11) "majority" means a simple majority;

(12) "merger" means dissolution of a municipality and its absorption by another municipality;

(13) "municipality" means a political subdivision incorporated under the laws of the state that is a home rule or general law city, a home rule or general law borough, or a unified municipality;

*municipality  
definition*

*General definition*

regardless of the person's pay level or technical status as a full-time or part-time employee, independent contractor, or consultant; it includes public members and staff of the committee; it does not include individuals who perform functions that are incidental to legislative functions, including security, messenger, maintenance, and print shop employees, and other employees designated by the committee;

(11) "lobbyist" means a person who is required to register under AS 24.45.041 and is described under AS 24.45.171(8)(A), but does not include a volunteer lobbyist described in AS 24.45.161(a)(1) or a representational lobbyist as defined under regulations of the Alaska Public Offices Commission;

(12) "political action" means conduct in which public officials, including legislators or legislative employees, use their official position or political contacts to exercise influence on state and local government employees or entities; it includes but is not limited to endorsing and pledging support or actively supporting a legislative matter, a nominee, or a candidate for public office;

(13) "registered lobbyist" means a person who is required to register under AS 24.45.041;

(14) "representation" means action taken on behalf of another, whether for compensation or not, including but not limited to telephone calls and meetings and appearances at proceedings or meetings;

(15) "spousal equivalent" means a person who is cohabiting with another person in a relationship that is like a marriage but that is not a legal marriage;

(16) "state office" includes the office of governor, lieutenant governor, member of the legislature, or similar state office.

(b) A person has a substantial interest in legislative, administrative, or political action if the person (1) is not a natural person and will be directly and substantially affected financially by a legislative, administrative, or political action; (2) is a natural person and will be directly and substantially affected financially by a legislative, administrative, or political action in a way that is greater than the effect on a substantial class of persons to which the person belongs as a member of a profession, occupation, industry, or region; (3) has or seeks contracts in excess of \$10,000 annually for goods or services with the legislature or with an agency of the state; or (4) is a lobbyist. For the purpose of this subsection, the state, the federal government, and an agency, corporation, or other entity of or owned by the state or federal government do not have a substantial interest in legislative, administrative, or political action. (§ 31 ch 127 SLA 1992; am §§ 64, 65 ch 74 SLA 1998; am § 17 ch 92 SLA 2001)

**Delayed amendment.** — Under § 51, ch. 92, SLA 2001, effective July 1, 2006, paragraph (a)(9) of this section will read as follows: "(9) 'legislative director' means the director of the legislative finance division, the legislative auditor, the director of the legislative research agency, the ombudsman, the executive director of the Legislative Affairs Agency, and the directors

of the divisions within the Legislative Affairs Agency."

**Effect of amendments.** — The 1998 amendment, effective January 1, 1999, in subsection (a) rewrote paragraph (5) and added paragraphs (15) and (16).

The 2001 amendment, effective July 1, 2002, inserted "the victim's advocate," in paragraph (a)(9).

## Chapter 65. Office of Victims' Rights.

### Section

- 10. Office of victims' rights
- 20. Appointment of the victims' advocate
- 30. Qualifications
- 40. Term of office
- 50. Removal
- 60. Compensation
- 70. Staff and delegation
- 80. Office facilities and administration
- 90. Procedure
- 100. Jurisdiction; duties
- 110. Advocacy on behalf of crime victims; records
- 120. Investigations

### Section

- 130. Powers
- 140. Consultation
- 150. Procedure after investigation
- 160. Publication of recommendations
- 170. Annual report
- 180. Judicial review
- 190. Immunity of the victims' advocate
- 200. Victims' advocate's privilege not to testify or produce documents or other evidence
- 210. Penalty
- 250. Definitions

Current OVR  
Statute

pg. 87 / definition

Effective dates. — Section 49, ch. 92, SLA 2001  
kes this chapter effective July 1, 2002.

Editor's notes. — Under § 47, ch. 92, SLA 2001,  
otwithstanding [the July 1, 2002, effective date of  
visions establishing or relating to the office of  
vims' rights], to the extent there are appropriations

for the purpose, the executive director of the Legisla-  
tive Affairs Agency may purchase supplies and equip-  
ment, obtain office space, and employ clerical staff so  
that the office of victims' rights, created in [AS 24.65],  
is able to begin work on July 1, 2002."

**Sec. 24.65.010. Office of victims' rights.** There is created in the legislative branch  
the state the office of victims' rights. The victims' advocate is the director of the office  
victims' rights. (§ 19 ch 92 SLA 2001)

elayed repeal of section. — Under §§ 41 and  
ch. 92, SLA 2001, this section is repealed July 1,  
6.

**Sec. 24.65.020. Appointment of the victims' advocate.** (a) A candidate for ap-  
ntment as the victims' advocate shall be nominated by the victims' advocate selection  
nmittee composed of three members of the senate appointed by the president of the  
ate and three members of the house of representatives appointed by the speaker of the  
se. One member of a minority party caucus in each house shall be appointed to the  
ection committee.

b) The victims' advocate selection committee shall examine persons to serve as  
vims' advocate regarding their qualifications and ability and shall place the name of  
erson selected in nomination. The appointment is effective if the nomination is  
roved by a roll call vote of two-thirds of the members of the legislature in joint session.  
e vote on the appointment shall be entered in the journals of both houses. (§ 19 ch 92  
A 2001)

elayed repeal of section. — Under §§ 41 and  
ch. 92, SLA 2001, this section is repealed July 1,  
6.

**Sec. 24.65.030. Qualifications.** A person may not serve as victims' advocate  
1) unless the person has been a resident of the state for the three years immediately  
ceding the person's appointment;

2) unless the person has been engaged in the active practice of law for the three years  
mediately preceding the person's appointment;

3) unless the person has significant experience in criminal law;

4) unless the person is an attorney licensed to practice law in this state;

5) within one year of the last day on which the person served as a member of the  
islature;

3) while the person is a candidate for or holds another national, state, or municipal  
ce; the victims' advocate may not become a candidate for national, state, or municipal  
ce until one year has elapsed from the date the victims' advocate vacates the office of  
vims' advocate;

7) while the person is engaged in another occupation for which the person receives  
pensation;

3) unless the person is at least 21 years of age and is a qualified voter. (§ 19 ch 92 SLA  
1)

elayed repeal of section. — Under §§ 41 and  
h. 92, SLA 2001, this section is repealed July 1,  
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**Sec. 24.65.040. Term of office.** (a) The term of office of the victims' advocate is five years. A victims' advocate may be reappointed but may not serve for more than three terms.

(b) If the term of a victims' advocate expires without the appointment of a successor under this chapter, the incumbent victims' advocate may continue in office until a successor is appointed. If the victims' advocate dies, resigns, becomes ineligible to serve, or is removed or suspended from office, the person appointed as acting victims' advocate under AS 24.65.070(a) serves until a new victims' advocate is appointed for a full term. (§ 19 ch 92 SLA 2001)

**Delayed repeal of section.** — Under §§ 41 and 51, ch. 92, SLA 2001, this section is repealed July 1, 2006.

**Sec. 24.65.050. Removal.** The legislature, by a concurrent resolution adopted by a roll call vote of two-thirds of the members of each house entered in the journal, may remove or suspend the victims' advocate from office, but only for neglect of duty, misconduct, or disability. (§ 19 ch 92 SLA 2001)

**Delayed repeal of section.** — Under §§ 41 and 51, ch. 92, SLA 2001, this section is repealed July 1, 2006.

**Sec. 24.65.060. Compensation.** The victims' advocate is entitled to receive an annual salary equal to Step A, Range 26, on the salary schedule set out in AS 39.27.011(a) for Juneau. (§ 19 ch 92 SLA 2001)

**Delayed repeal of section.** — Under §§ 41 and 51, ch. 92, SLA 2001, this section is repealed July 1, 2006.

**Sec. 24.65.070. Staff and delegation.** (a) The victims' advocate shall appoint a person to serve as acting victims' advocate in the absence of the victims' advocate. The victims' advocate shall also appoint assistants and clerical personnel necessary to carry out the provisions of this chapter. Subject to AS 36.30.020, the victims' advocate may enter into personal services and other contracts the victims' advocate finds necessary to carry out the provisions of this chapter. The victims' advocate shall, to the maximum extent practicable, conduct the duties and work of the office by entering into personal services and other contracts the victims' advocate finds necessary to carry out the provisions of this chapter.

(b) The victims' advocate may delegate to the assistants any of the victims' advocate's duties except those specified in AS 24.65.150 and 24.65.160; however, during the victims' advocate's absence from the principal business offices, the victims' advocate may delegate the duties specified in AS 24.65.150 and 24.65.160 to the acting victims' advocate for the duration of the absence. The duties specified in AS 24.65.150 and 24.65.160 shall be performed by the acting victims' advocate when serving under AS 24.65.040(b).

(c) The victims' advocate and the staff appointed by the victims' advocate are in the exempt service under AS 39.25.110 and are not subject to the employment policies under AS 24.10 or AS 24.20. (§ 19 ch 92 SLA 2001)

**Delayed repeal of section.** — Under §§ 41 and 51, ch. 92, SLA 2001, this section is repealed July 1, 2006.

**Sec. 24.65.080. Office facilities and administration.** (a) Subject to restrictions and limitations imposed by the executive director of the Legislative Affairs Agency, the administrative facilities and services of the Legislative Affairs Agency, including com-

puter, data processing, and teleconference facilities, may be made available to the victims' advocate to be used in the management of the office of victims' rights and to carry out the purposes of this chapter.

(b) The salary and benefits of the victims' advocate and the permanent staff of the victims' advocate shall be paid through the same procedures used for payment of the salaries and benefits of other permanent legislative employees.

(c) The victims' advocate shall submit a budget for each fiscal year to the Alaska Legislative Council, and the council shall annually submit an estimated budget to the governor for information purposes in the preparation of the executive budget. After reviewing and approving, with or without modifications, the budget submitted by the victims' advocate, the council shall submit the approved budget to the finance committees of the legislature. (§ 19 ch 92 SLA 2001)

**Delayed repeal of section.** — Under §§ 41 and 51, ch. 92, SLA 2001, this section is repealed July 1, 2006.

**Sec. 24.65.090. Procedure.** (a) The victims' advocate shall, by regulations adopted under AS 44.62 (Administrative Procedure Act), establish procedures for advocacy on behalf of crime victims, receiving and processing complaints, conducting investigations, reporting findings, and ensuring that confidential information obtained by the victims' advocate in the course of advocacy on behalf of a crime victim or in the course of an investigation will not be improperly disclosed. The victims' advocate may establish procedures so that advocacy and investigations on behalf of crime victims in felony cases take a priority over advocacy and investigations on behalf of crime victims in misdemeanor cases.

(b) The office of victims' rights may not charge fees for the submission or investigation of complaints. (§ 19 ch 92 SLA 2001)

**Delayed repeal of section.** — Under §§ 41 and 51, ch. 92, SLA 2001, this section is repealed July 1, 2006.

**Sec. 24.65.100. Jurisdiction; duties.** (a) The victims' advocate has jurisdiction to advocate on behalf of crime victims of felony offenses or class A misdemeanors, if the class A misdemeanor is a crime involving domestic violence or a crime against a person under AS 11.41, in the courts of the state and to investigate the complaints of crime victims of felony offenses or class A misdemeanors, if the class A misdemeanor is a crime involving domestic violence or a crime against a person under AS 11.41, that they have been denied their rights under the constitution and the laws of the state. In this subsection, "crime involving domestic violence" has the meaning given in AS 18.66.990.

(b) The victims' advocate shall exercise reasonable care to

(1) ensure that the victims' advocate's exercise of jurisdiction granted under this section does not interfere with an ongoing criminal investigation or with a criminal prosecution;

(2) prevent employees of the office of victims' rights from making extrajudicial statements that the victims' advocate is prohibited from making under the Alaska Rules of Professional Conduct.

(c) The victims' advocate may not advise, counsel, or advocate on behalf of a victim in a way that would

(1) prevent or discourage a victim from cooperating in a criminal investigation;

(2) encourage a victim to withhold evidence in a criminal investigation; or

(3) prevent or discourage a victim from testifying in a criminal proceeding. (§ 19 ch 92 SLA 2001)

Delayed repeal of section. — Under §§ 41 and 51, ch. 92, SLA 2001, this section is repealed July 1, 2006.

**Sec. 24.65.110. Advocacy on behalf of crime victims; records.** (a) The victims' advocate shall assist crime victims in obtaining the rights crime victims are guaranteed under the constitution and laws of the state with regard to the contacts crime victims have with the justice agencies of the state.

(b) The victims' advocate may make the statement a crime victim is authorized to make under art. I, sec. 24, Constitution of the State of Alaska, and AS 12.55.023, in a court of the state when requested by the crime victim and when the crime victim does not personally make a statement.

(c) When advocating on behalf of a crime victim in an ongoing criminal case or juvenile adjudication, the victims' advocate is entitled to all information available to the defendant or juvenile.

(d) Records obtained by the victims' advocate shall remain in the exclusive custody of the victims' advocate. The victims' advocate may not disclose confidential information to any person. (§ 19 ch 92 SLA 2001)

Delayed repeal of section. — Under §§ 41 and 51, ch. 92, SLA 2001, this section is repealed July 1, 2006.

on Rule 16, Alaska Rules of Criminal Procedure, and Rule 9, Alaska Delinquency Rules, see § 43, ch. 92, SLA 2001, in the 2001 Temporary and Special Acts.

Cross references. — For the effect of this section

**Sec. 24.65.120. Investigations.** (a) The victims' advocate may investigate complaints from crime victims that they have been denied the rights they are guaranteed under the constitution and laws of this state.

(b) In an investigation, the victims' advocate may

(1) make inquiries and obtain information considered necessary;

(2) hold private hearings; and

(3) notwithstanding other provisions of law, have access at all times to records of justice agencies, including court records of criminal prosecutions and juvenile adjudications, necessary to ensure that the rights of crime victims are not being denied; with regard to court and prosecution records, the victims' advocate is entitled to obtain access to every record that the defendant is entitled to access or receive.

(c) The victims' advocate shall maintain confidentiality with respect to all matters and the identities of the complainants or witnesses coming before the victims' advocate except insofar as disclosures may be necessary to enable the victims' advocate to carry out duties and to support recommendations. However, the victims' advocate may not disclose a confidential record obtained from a court or justice agency. (§ 19 ch 92 SLA 2001)

Delayed repeal of section. — Under §§ 41 and 51, ch. 92, SLA 2001, this section is repealed July 1, 2006.

on Rule 16, Alaska Rules of Criminal Procedure, and Rule 9, Alaska Delinquency Rules, see § 43, ch. 92, SLA 2001, in the 2001 Temporary and Special Acts.

Cross references. — For the effect of this section

**Sec. 24.65.130. Powers.** (a) Subject to the privileges recognized by court rule and statute of this state, the victims' advocate may compel by subpoena, at a specified time and place, the

(1) appearance and sworn testimony of a person who the victims' advocate reasonably believes may be able to give information relating to a matter under investigation under AS 24.65.120; and

(2) production by a person of a record or object that the victims' advocate reasonably believes may relate to the matter under investigation under AS 24.65.120.

(b) If a person refuses to comply with a subpoena issued under (a) of this section, the superior court may, on application of the victims' advocate, compel obedience by

proceedings for contempt in the same manner as in the case of disobedience to the requirements of a subpoena issued by the court or refusal to testify in the court.

(c) This section does not authorize the victims' advocate to issue a subpoena to

(1) a justice, judge, magistrate, or a law clerk acting under the direction of a justice, judge, or magistrate, concerning a judicial action or nonaction taken by, or under the direction of, the justice, judge, or magistrate;

(2) a person acting under the direction of a justice, judge, or magistrate, other than a law clerk, concerning a judicial action or nonaction taken by, or under the direction of, a justice, judge, or magistrate except to establish the occurrence or nonoccurrence of the action or nonaction or the person's own actions or nonactions; this paragraph does not authorize the victims' advocate to inquire into the decision-making or thought process of the justice, judge, or magistrate;

(3) a member of a jury concerning a matter that was considered by the jury;

(4) the person accused or convicted of committing the crime that is the basis for the complaint, and investigation under AS 24.65.120, concerning a denial of rights or an attorney retained by the person or appointed by a court to represent the person;

(5) a victim counselor concerning a matter made confidential by AS 18.66.200 — 18.66.250; or

(6) a justice agency concerning records that lead to the disclosure of a confidential police informant. (§ 19 ch 92 SLA 2001)

**Delayed repeal of section.** — Under §§ 41 and 51, ch. 92, SLA 2001, this section is repealed July 1, 2006.

**Sec. 24.65.140. Consultation.** Before giving an opinion or recommendation that is critical of a justice agency or person as a result of an investigation under AS 24.65.120, the victims' advocate shall consult with that agency or person. The victims' advocate may make a preliminary opinion or recommendation available to the agency or person for review, but the preliminary opinion or recommendation is confidential and may not be disclosed to the public by the agency or person. (§ 19 ch 92 SLA 2001)

**Delayed repeal of section.** — Under §§ 41 and 51, ch. 92, SLA 2001, this section is repealed July 1, 2006.

**Sec. 24.65.150. Procedure after investigation.** (a) The victims' advocate shall report the advocate's opinion and recommendations to a justice agency if the victims' advocate finds, after investigation under AS 24.65.120, that the agency has denied a crime victim rights the crime victim is guaranteed under the constitution and laws of this state.

(b) The victims' advocate may request the justice agency to notify the victims' advocate, within a specified time, of any action taken on the recommendations.

(c) The report provided under (a) of this section is confidential and may not be disclosed to the public by the justice agency. The victims' advocate may disclose the report under AS 24.65.160 only after providing notice that the investigation has been concluded to the agency and after receiving the written approval of the complainant to release the report. (§ 19 ch 92 SLA 2001)

**Delayed repeal of section.** — Under §§ 41 and 51, ch. 92, SLA 2001, this section is repealed July 1, 2006.

**Sec. 24.65.160. Publication of recommendations.** Except as provided in AS 24.65.150(c), within a reasonable amount of time after the victims' advocate reports the advocate's opinion and recommendations to a justice agency, the victims' advocate may

present the opinion and recommendations to the governor, the legislature, a grand jury, the public, or any of these. The victims' advocate shall include with the opinion any reply made by the agency. (§ 19 ch 92 SLA 2001)

**Delayed repeal of section.** — Under §§ 41 and 51, ch. 92, SLA 2001, this section is repealed July 1, 2006.

**Sec. 24.65.170. Annual report.** The victims' advocate shall make available to the public an annual report of the victims' advocate's activities under this chapter and notify the legislature that the report is available. (§ 19 ch 92 SLA 2001)

**Delayed repeal of section.** — Under §§ 41 and 51, ch. 92, SLA 2001, this section is repealed July 1, 2006.

**Sec. 24.65.180. Judicial review.** A proceeding or decision of the victims' advocate may be reviewed in superior court only to determine if it is contrary to the provisions of this chapter. (§ 19 ch 92 SLA 2001)

**Delayed repeal of section.** — Under §§ 41 and 51, ch. 92, SLA 2001, this section is repealed July 1, 2006.

**Sec. 24.65.190. Immunity of the victims' advocate.** A civil action may not be brought against the victims' advocate or a member of the victims' advocate's staff for anything done, said, or omitted in performing the victims' advocate's duties or responsibilities under this chapter. (§ 19 ch 92 SLA 2001)

**Delayed repeal of section.** — Under §§ 41 and 51, ch. 92, SLA 2001, this section is repealed July 1, 2006.

**Sec. 24.65.200. Victims' advocate's privilege not to testify or produce documents or other evidence.** Except as may be necessary to enforce the provisions of this chapter, the determinations, conclusions, thought processes, discussions, records, reports, and recommendations of or information collected by the victims' advocate or staff of the victims' advocate are not admissible in a civil or criminal proceeding, and are not subject to questioning or disclosure by subpoena or discovery. (§ 19 ch 92 SLA 2001)

**Delayed repeal of section.** — Under §§ 41 and 51, ch. 92, SLA 2001, this section is repealed July 1, 2006. on Rules 402 and 501, Alaska Rules of Evidence, see § 44, ch. 92, SLA 2001, in the 2001 Temporary and Special Acts.

**Cross references.** — For the effect of this section

**Sec. 24.65.210. Penalty.** A person who knowingly hinders the lawful actions of the victims' advocate or the staff of the victims' advocate, or who knowingly refuses to comply with their lawful demands, is guilty of a misdemeanor and upon conviction may be punished by a fine of not more than \$1,000. In this section, "knowingly" has the meaning given in AS 11.81.900. (§ 19 ch 92 SLA 2001)

**Delayed repeal of section.** — Under §§ 41 and 51, ch. 92, SLA 2001, this section is repealed July 1, 2006.

**Sec. 24.65.250. Definitions.** In this chapter,  
 (1) "justice agency" means a department, office, institution, corporation, authority, organization, commission, committee, council, court, or board in the executive or judicial branches of the state government that is, in any manner, involved with or responsible for

he apprehension, prosecution, incarceration, or supervision of criminal or juvenile offenders; it also includes an officer, employee, or member of an agency acting or purporting to act in the exercise of official duties;

(2) "victim" has the meaning given in AS 12.55.185. (§ 19 ch 92 SLA 2001)

**Delayed repeal of section.** — Under §§ 41 and 1, ch. 92, SLA 2001, this section is repealed July 1, 2006.