

SB

117

SENATE COMMITTEE REPORT First Committee of Referral

DATE: 2/28/05

FURTHER: Finance

Date of 5-Day Notice: _____
(in accordance with Uniform Rule 23)

DATE TURNED
IN TO OFFICE: _____

Judiciary Committee considered

SENATE BILL NO. 117

SB 117 RECORDED STATEMENTS OF CHILD VICTIMS

"An Act relating to the admissibility into evidence of the prior recorded statement of a crime victim less than 16 years of age; and adding Rule 413, Alaska Rules of Evidence, and amending Rules 402 and 403, Alaska Rules of Evidence."

and recommends:

- be replaced with _____ CS _____ (_____)
- adopt previous _____ CS _____ (_____)
- attached amendment(s)
- adopt Letter of Intent by _____ Committee
- further referral to _____ Committee

Senate Bill:
 Same Title
 New Title

House Bill:
 Same Title
 Technical Title Change
 New Title w/ SCR # _____

NEW FISCAL NOTE(S):

Department	Date	Fiscal	Indet.	Zero	FN#

PREVIOUS FISCAL NOTE(S):

Department	Date	Fiscal	Indet.	Zero	FN#

APPROPRIATION - no fiscal note

SIGNATURES AND RECOMMENDATIONS:	Do PASS	Do NOT PASS	No REC	AMEND
<i>[Signature]</i>	✓			
<i>[Signature]</i>	x			
<i>[Signature]</i>	x			
CHAIR: <i>[Signature]</i>	✓			

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24-LS05791Y
Luckhaupt
4/1/05

CS FOR SENATE BILL NO. 117()

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-FOURTH LEGISLATURE - FIRST SESSION

BY

Offered:

Referred:

Sponsor(s): SENATORS FRENCH, Kookash, Bunde, Dyson, Huggins, Wagoner, Elton, Ellis, Davis, Guess, Stedman, Olson

A BILL

FOR AN ACT ENTITLED

1 **"An Act relating to the admissibility into evidence of the prior recorded statement of a**
2 **crime victim less than 16 years of age; and amending Rule 801, Alaska Rules of**
3 **Evidence."**

4 **BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:**

5 *** Section 1. The uncodified law of the State of Alaska is amended by adding a new section**
6 **to read:**

7 **DIRECT COURT RULE AMENDMENT. Rule 801(d), Alaska Rules of**
8 **Evidence is amended by adding a new paragraph to read:**

9 **(3) Recorded Statement by Child Victims of Crime. The statement is a**
10 **recorded statement by the victim of a crime who is less than 16 years of age and**

11 **(A) the recording was made before the proceeding;**

12 **(B) the victim is available for cross-examination;**

13 **(C) the prosecutor and any attorney representing the defendant**
14 **were not present when the statement was taken;**

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24-LS0579\Y

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(D) the recording is on videotape or other format that records both the visual and aural components of the statement;

(E) each person who participated in the taking of the statement is identified on the recording;

(F) the taking of the statement as a whole was conducted in a manner that would avoid undue influence of the victim;

(G) the defense has been provided a reasonable opportunity to view the recording before the proceeding; and

(H) the court has had an opportunity to view the recording and determine that it is sufficiently reliable and trustworthy and that the interests of justice are best served by admitting the recording into evidence.

24-LS0579\F
Luckhaupt
3/21/05

CS FOR SENATE BILL NO. 117()

**IN THE LEGISLATURE OF THE STATE OF ALASKA
TWENTY-FOURTH LEGISLATURE - FIRST SESSION**

BY

**Offered:
Referred:**

Sponsor(s): SENATORS FRENCH, Kookesh, Bunde, Dyson, Huggins, Wagoner, Elton, Ellis, Davis, Guess, Stedman, Olson

A BILL

FOR AN ACT ENTITLED

1 **"An Act relating to the admissibility into evidence of the prior recorded statement of a**
2 **crime victim less than 16 years of age; and amending Rule 801, Alaska Rules of**
3 **Evidence."**

4 **BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:**

5 *** Section 1.** The uncodified law of the State of Alaska is amended by adding a new section
6 to read:

7 **DIRECT COURT RULE AMENDMENT.** Rule 801(d), Alaska Rules of
8 Evidence is amended by adding a new paragraph to read:

9 (3) Recorded Statement by Child Victims of Crime. The statement is a
10 recorded statement by the victim of a crime who is less than 16 years of age and

11 (A) the recording was made before the proceeding;

12 (B) the victim is ~~present at the proceeding~~ and available to

13 ~~testify;~~ *for cross examination.*

14 (C) the prosecutor and any attorney representing the defendant

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were not present when the statement was taken;

(D) the recording is on videotape or other format that records both the visual and aural components of the statement;

(E) each person who participated in the taking of the statement is identified on the recording;

(F) the taking of the statement as a whole was conducted in a manner that would avoid undue influence of the victim;

(G) the defense has been provided a reasonable opportunity to view the recording before the proceeding; and

(H) the court has ^{had an opportunity to view} ~~viewed~~ the recording ^{to} ~~and has determined~~ that it is sufficiently reliable and trustworthy and that the interests of justice are best served by admitting the recording into evidence.

#3

ALASKA STATE LEGISLATURE



SENATOR HOLLIS FRENCH

SB 117- ADMISSIBILITY INTO EVIDENCE OF PRIOR RECORDED STATEMENT OF A CRIME VICTIM YOUNGER THAN 16

Sponsor Statement

SB 117 will make recorded statements of victims under 16 admissible in Alaska's courts if the statements were conducted under certain conditions and if the victim is present at the proceeding and available for testimony. Such statements, or "forensic interviews," are now admissible as evidence only if the child victim contradicts his or her earlier statement or cannot remember the event.

Forensic interviews of sexually or physically abused children are conducted at safe, nurturing, child-friendly environments. The interviewers are specially trained to work with children and work with a multi-disciplinary team focused on the child's welfare. The team may include police officers, social workers, child therapists, medical professionals, and child advocates. By working together to deal with a child's traumatic experiences and by centralizing a child's interaction with adults in positions of authority, child advocacy centers make children feel safer and more confident.

Allowing recorded statements to be introduced as evidence will enhance the law enforcement process to bring child predators to justice. A statement made by a child in an environment that is focused on the child's welfare and comfort is often much more informative about the child's experience with an abuser than testimony the child will give in a formal court setting. Children express things differently and they often need to explain what has happened to them using physical objects rather than words. Children are understandably intimidated by formal questioning by unfamiliar adults in a courtroom setting, and their difficulty in articulating the details of a very painful and very private experience often results in a reduction of the charges.

SB 117 will help make prosecution of child abusers more effective. Please join me in supporting this bill and taking another step to make Alaska a safer place for children.

FISCAL NOTE

STATE OF ALASKA
2005 LEGISLATIVE SESSION

Fiscal Note Number: _____
Bill Version: SB 117
() Publish Date: _____

Revision Date/Time (Note if correction): _____ Dept. Affected: Administration
Title An Act relating to the admissibility RDU Legal and Advocacy Services
into evidence... Component Public Defender Agency
Sponsor Senators French, Kookesh
Requester Senate Judiciary Component No. 1631

Expenditures/Revenues (Thousands of Dollars)

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

OPERATING EXPENDITURES	FY 2006	FY 2007	FY 2008	FY 2009	FY 2010	FY 2011
Personal Services	0.0	0.0	0.0	0.0	0.0	0.0
Travel						
Contractual						
Supplies						
Equipment						
Land & Structures						
Grants & Claims						
Miscellaneous						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0

CAPITAL EXPENDITURES						
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CHANGE IN REVENUES ()						
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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)						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY2005) cost: 0.0
Mark this box (X) if funding for this bill is included in the Governor's FY 2006 budget proposal:

POSITIONS

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

ANALYSIS: (Attach a separate page if necessary)
This bill is not expected to have a significant fiscal impact on the operations of the Agency. If enacted however, the Agency will be involved in additional motions and hearings required to determine the admissibility of prior recorded statements.

Prepared by: Linda K. Wilson, Deputy Director Phone (907)334-1416
Division: Public Defender Agency Date/Time 3/8/05 2:05 PM
Approved by: Michael Tibbles, Deputy Commissioner Date 3/8/2005
Agency: Department of Administration

FISCAL NOTE

STATE OF ALASKA
2005 LEGISLATIVE SESSION

Fiscal Note Number: _____
 Bill Version: SB 117
 () Publish Date: _____

Revision Date/Time (Note if correction): _____ Dept. Affected: _____
 Title Recorded Statements of Victims BRU Alaska Court System
 Component Trial Courts
 Sponsor Senator French
 Requester _____ Component No. 768

Expenditures/Revenues (Thousands of Dollars)

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

OPERATING EXPENDITURES	FY 2006	FY 2007	FY 2008	FY 2009	FY 2010	FY 2011
Personal Services						
Travel						
Contractual						
Supplies						
Equipment						
Land & Structures						
Grants & Claims						
Miscellaneous						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0

CAPITAL EXPENDITURES						
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CHANGE IN REVENUES ()						
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FUND SOURCE (Thousands of Dollars)

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

Estimate of any current year (FY2005) cost: 0.0
 Mark this box (X) if funding for this bill is included in the Governor's FY 2006 budget proposal:

POSITIONS

Full-time						
Part-time						
Temporary						

ANALYSIS: (Attach a separate page if necessary)
 The court system does not anticipate any fiscal impact from the passage of SB 117.

Prepared by: Douglas Wooliver, Administrative Attorney Phone 463-4750
 Division Alaska Court System Date/Time 3/7/05 11:01 AM
 Approved by: Doug Wooliver for Stephanie Cole, Administrative Director Date 3/7/2005
 Agency Alaska Court System

FISCAL NOTE

STATE OF ALASKA
2005 LEGISLATIVE SESSION

Fiscal Note Number: _____
 Bill Version: SB117-DPS-AST-3-9-05
 () Publish Date: _____

Revision Date/Time (Note if correction): _____ Dept. Affected: Public Safety
 Title An Act relating to the recorded statements of a child RDU Alaska State Troopers
 Component AST Detachments
 Sponsor Senator French
 Requester _____ Component No. 2325

Expenditures/Revenues (Thousands of Dollars)

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

OPERATING EXPENDITURES	FY 2006	FY 2007	FY 2008	FY 2009	FY 2010	FY 2011
Personal Services						
Travel						
Contractual						
Supplies						
Equipment						
Land & Structures						
Grants & Claims						
Miscellaneous						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0

CAPITAL EXPENDITURES						
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CHANGE IN REVENUES ()						
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FUND SOURCE (Thousands of Dollars)

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

Estimate of any current year (FY2005) cost: 0.0
 Mark this box (X) if funding for this bill is included in the Governor's FY 2006 budget proposal:

POSITIONS

Full-time						
Part-time						
Temporary						

ANALYSIS: (Attach a separate page if necessary)

This bill adds a new criminal rule under the rules of evidence. It will allow recorded statements by child victims (less than 16 yrs. of age) to be relevant and admissible in proceedings. The bill specifies the parameters and types of recordings this rule will allow.

Passage of this bill will have no fiscal impact on the Department of Public Safety.

Prepared by: Lieutenant Todd Sharp Phone 907-465-3223
 Division: Alaska State Troopers Date/Time 3/9/05 3:39 PM
 Approved by: Commissioner William Tandeske Date 3/9/2005
 Agency: Department of Public Safety

FISCAL NOTE

STATE OF ALASKA
2005 LEGISLATIVE SESSION

Fiscal Note Number: _____
 Bill Version: SB117-LAW-CDCO-3-9-C
 () Publish Date: _____

Revision Date/Time (Note if correction): _____ Dept. Affected: LAW
 Title: "An Act relating to admissibility into evidence
of the prior recorded statement of a crime victim less than..." RDU CRIMINAL
 Component Criminal Justice Litigation
 Sponsor Senator French
 Requester Senate Judiciary Component No. _____

Expenditures/Revenues (Thousands of Dollars)

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

OPERATING EXPENDITURES	FY 2006	FY 2007	FY 2008	FY 2009	FY 2010	FY 2011
Personal Services						
Travel						
Contractual						
Supplies						
Equipment						
Land & Structures						
Grants & Claims						
Miscellaneous						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0

CAPITAL EXPENDITURES						
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CHANGE IN REVENUES ()						
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FUND SOURCE (Thousands of Dollars)

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

Estimate of any current year (FY2005) cost: 0.0
 Mark this box (X) if funding for this bill is included in the Governor's FY 2006 budget proposal:

POSITIONS

Full-time						
Part-time						
Temporary						

ANALYSIS: (Attach a separate page if necessary)

This bill adds a new court rule to the Alaska Rules of Evidence that makes relevant and admissible under certain circumstances the recorded statement of a crime victim who is less than 16 years of age.

Passage of this bill will have no fiscal impact on the Department of Law.

Prepared by: Kathryn Daughhete, Director Phone 465-3673
 Division: Administrative Services Division Date/Time 3/9/05 4:41 PM
 Approved by: K. Daughhete for Scott Nordstrand, Acting Attorney General Date 3/9/2005
 Agency: Department of Law



Web posted Tuesday, April 24, 2001

JUNEAU WEATHER
Select Your City

SAFE center aims to curb impacts on child victims

By ANN CHANDONNET
THE JUNEAU EMPIRE

Being hauled all over town and grilled by strangers can be a grueling experience for a child crime victim, adding to his or her trauma.

The new Southeast Alaska Family Evaluations Child Advocacy Center attempts to lessen the emotional pain. The center, SAFE for short, officially opened its doors last week at 2225 Jordan Creek Ave.

"We expect to serve age 2 to 16 or 17, depending on the case and the specific circumstances," said Rosemary Hagevig, executive director of Catholic Community Service.

A forensic interviewer, Carolyn Porter, came on board four months ago and has been working since the first week of January at the Juneau Police Department, Hagevig said. Porter has been averaging 15 child victim interviews a month.

The center provides "a neutral setting for kids who are alleged victims of abuse or neglect," Porter said. "We can bring them here to a child-friendly setting, do one video interview that all the agencies can use, make recommendations for parents it's kind of one-stop shopping."



Working with kids:

Carolyn Porter sits in an interview room for children who may have experienced either physical or sexual abuse. The room is part of the Southeast Alaska Family Evaluations Child Advocacy Center.

MICHAEL PENN / THE JUNEAU EMPIRE

Porter, working in law enforcement and at a child protection center in Amarillo, Texas, has more than 1,000 interviews under her belt.

"It's very important sometimes to determine that nothing has happened to a child," she said. "If we can get through these cases quicker and minimize the impact, we will come out with stronger kids."

The center is funded by a grant secured through U.S. Sen. Ted Stevens from the federal Department of Health and Human Services, said Hagevig. The \$300,000 grant funded startup costs such as video equipment and will ensure its first 15 months of operation.

The center will work in cooperation with a variety of local agencies, Hagevig said.

Juneau Youth Services, Catholic Community Service, AWARE, the Division of Family and Youth Services, Bartlett Regional Hospital, SEARHC, the state Division of Juvenile Justice, the police department and state troopers are all involved, she said. Local pediatricians and emergency room physicians also will be linked to the center.

"This is a huge collaborative effort in Juneau, a significant effort. I think Juneau can be proud that so many agencies have come together to make this work," she said.

The Child Advocacy Center is part of a national movement to ensure children and families who experience child physical or sexual abuse are less impacted by the system that deals with them after a suspected incident is reported. Anchorage and Wasilla have centers. Other centers are planned for Nome and Fairbanks.

Most of the referrals to Juneau's center originate with DFYS or law enforcement agencies, Hagevig said. The center initially will accept referrals only from Juneau, but eventually will serve the northeast portion of Southeast Alaska.

The facility includes a foyer equipped with toys, a medical exam room, and an interview room with built-in mikes and cameras. DFYS case workers or district attorneys in another room can watch the video feed and supply the interviewer with questions they would like answered. A permanent film of the interview is made for official reference.

"The interviewer establishes a good relationship and no one else comes into the room," Hagevig said. "You don't have to hustle around

town and sit in the waiting room."

The Child Advocacy Center can be reached at 790-4342.

Ann Chandonnet can be reached at achandonnet@juneauempire.com.



**Alaska State
Legislature
Senator Hollis
French
Senator Albert
Kookesh**

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ROOM: #504 State Capitol Bldg.

FOR IMMEDIATE RELEASE · February 28, 2005

***French, Kookesh File Bills to Protect Children
Legislation outlaws Internet victimization, seeks admissibility of interviews***

JUNEAU – Sens. Hollis French, D-Anchorage, and Albert Kookesh, D-Angoon, introduced a package of bills today to protect children from crime and its effects.

Two of the bills, Senate Bills 118 and 119, make it a crime to entice minors on the Internet and to send them indecent material electronically.

“These bills will help provide a ‘safety Net’ for Alaska’s children,” said Senator French. “No parent should have to live in fear that a child will receive pornography by e-mail or be lured into a dangerous relationship by a predator. SB 118 and SB 119 will help Alaska’s police and prosecutors bring an end to these terrible acts.”

A third bill in the package, Senate Bill 117, makes recorded statements of victims under 16 admissible in court if they were conducted under certain conditions. These “forensic interviews,” which are conducted in child advocacy centers around the state, are now admissible only if the child victim contradicts his or her earlier statement or cannot remember the event.

“Alaska’s rate of child sexual abuse is among the highest in the nation. We know that the Internet is playing an increasing role in child victimization here as well as around the globe,” said Senator Kookesh. “These bills will help protect Alaska’s children and bring swifter justice for them.”

#####

PRESS ADVISORY: On Tuesday, March 1, Detective Kevin Vandegriff, Special Assault Unit, Anchorage Police Department, and Michelle Monts, Program Manager, S.A.F.E. Child Advocacy Center in Juneau, will join Senators French and Kookesh at a press availability to discuss the legislation and its impact on child victims. The press availability will be in the Beltz Room at 10:30 a.m.###



**Alaska State
Legislature
House and Senate
Democrats**

WEB: <http://www.akdemocrats.org/>
CONTACT: Mike Doogan, Press Secretary
PHONE: (907) 465-3842
FAX: (907) 465-5125
EMAIL: press@akdemocrats.org

FOR IMMEDIATE RELEASE · March 1, 2005

Police Officer, Interviewer Support Child Protection Bills

Package by French, Kookesh aims at Internet, statements

JUNEAU -- Detective Kevin Vandegriff of the Anchorage Police Department's crimes against children unit, and Michelle Monts, a forensic interviewer and program manager with Juneau's child advocacy center, appeared Tuesday at a Senate Democrats' press conference to endorse a package of child protection bills sponsored by Sen. Hollis French, D-Anchorage, and Sen. Albert Kookesh, D-Angoona.

Two of the bills, Senate Bills 118 and 119, make it a crime to entice minors on the Internet and to send them indecent material electronically. The third bill in the package, Senate Bill 117, makes recorded statements of victims under 16 admissible in court if they were conducted under certain conditions. These "forensic interviews," which are conducted in child advocacy centers around the state, are now admissible only if the child victim contradicts his or her earlier statement or cannot remember the event.

Vandegriff spoke about sexual predation on the Internet.

MP3 actuality: http://akdemocrats.org/Audio/030105_sexpredator1.mp3

He also described his own experiences posing as a minor in a training class in Seattle.

MP3 actuality: http://akdemocrats.org/Audio/030105_sexpredator2.mp3

He also described the effects of predators sending pornography to minors electronically.

MP3 actuality: http://akdemocrats.org/Audio/030105_sexpredator3.mp3

Monts spoke to the reasons for allowing statements made to forensic interviewers to be introduced into evidence.

MP3 actuality: http://akdemocrats.org/Audio/030105_sexpredator4.mp3



Sen. French's introduction
3 minutes - Mpeg4 - 5 MBytes



Michelle Monts' statement
3 minutes - Mpeg4 - 5 MBytes

The bills, introduced Monday, are currently in the Senate Judiciary Committee.

###

Putting Alaskans First - Moving Alaska Forward 2005

Sen. Bettie Davis, Sen. Johnny Ellis, Sen. Kim Elton, Sen. Hollis French, Sen. Gretchen Guess, Sen. Lyman Hoffman, Sen. Albert Kookesh, Sen. Donny Olson, Rep. Ethan Berkowitz, Rep. Sharon Cissna, Rep. Harry Crawford, Rep. Eric Croft, Rep. Les Gara, Rep. Berta Gardner, Rep. Max Gruenberg, Rep. David Guttenberg, Rep. Reggie Joule, Rep. Mary Kapsner, Rep. Beth Kertula, Rep. Carl Moses, Rep. Woodie Salmon