



LAWS OF ALASKA

1999

Source
CSHB 34(FIN)

Chapter No.
62

AN ACT

Relating to the crime of failure to report the commission or attempted commission of certain crimes against children.

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

THE ACT FOLLOWS ON PAGE 1

Approved by the Governor: June 22, 1999

Actual Effective Date: September 20, 1999

AN ACT

1 Relating to the crime of failure to report the commission or attempted commission of certain
2 crimes against children.

3

4 * **Section 1.** AS 11.56 is amended by adding a new section to read:

5 **Sec. 11.56.765. Failure to report a violent crime committed against a child.**

6 (a) A person, other than the victim, commits the crime of failure to report a violent
7 crime committed against a child if the person

8 (1) witnesses what the person knows or reasonably should know is

9 (A) the murder or attempted murder of a child by another;

10 (B) the kidnapping or attempted kidnapping of a child by
11 another;

12 (C) the sexual penetration or attempted sexual penetration by
13 another

14 (i) of a child without consent of the child;

Chapter 62

- 1 (ii) of a child that is mentally incapable;
- 2 (iii) of a child that is incapacitated; or
- 3 (iv) of a child that is unaware that a sexual act is being
- 4 committed; or

5 (D) the assault of a child by another causing serious physical

6 injury to the child;

7 (2) knows or reasonably should know that the child is under 16 years

8 of age; and

9 (3) does not in a timely manner report that crime to a peace officer or

10 law enforcement agency.

11 (b) In a prosecution under this section, it is an affirmative defense that the

12 defendant

13 (1) did not report in a timely manner because the defendant reasonably

14 believed that doing so would have exposed the defendant or others to a substantial risk

15 of physical injury; or

16 (2) acted to stop the commission of the crime and stopped

17 (A) the commission of the crime; or

18 (B) the completion of the crime being attempted.

19 (c) In this section,

20 (1) "incapacitated" has the meaning given in AS 11.41.470;

21 (2) "mentally incapable" has the meaning given in AS 11.41.470;

22 (3) "sexual act" has the meaning given in AS 11.41.470;

23 (4) "without consent" has the meaning given in AS 11.41.470.

24 (d) Failure to report a violent crime committed against a child is a class A

25 misdemeanor.