



LAWS OF ALASKA

2001

Source

HCS CSSB 105(FIN)

Chapter No.

92

AN ACT

Relating to victims' rights; relating to establishing an office of victims' rights; relating to the crime victim's choice to appear or testify in a criminal case; relating to compensation of victims of violent crimes; relating to eligibility for a permanent fund dividend for persons convicted of and incarcerated for certain offenses; relating to notice of appropriations concerning victims' rights; relating to restitution for criminal and delinquency acts; authorizing the state to collect restitution on behalf of victims of crime and delinquent acts and the release of certain information related to that collection; relating to the forfeiture of certain cash and other security for payment of other restitution; relating to access by the Violent Crimes Compensation Board to certain records regarding delinquency acts to award compensation to victims; relating to immunity for damages related to certain collections of restitution; amending Rule 82, Alaska Rules of Civil Procedure, Rule 16, Alaska Rules of Criminal Procedure, Rule 9, Alaska Delinquency Rules, and Rules 402 and 501, Alaska Rules of Evidence; and providing for an effective date.

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

THE ACT FOLLOWS ON PAGE 1

Approved by the Governor: July 5, 2001

Actual Effective Date: Sections 1, 7, 13, 14, 17, 19 - 21, 23, 27, 29, 31, 33, 43, and 44 of this Act take effect July 1, 2002; sections 2 - 6, 9 - 12, 15, 16, 35 - 40, 42, and 45 of this Act take effect January 1, 2002; sections 8, 18, 22, 24, 28, 30, 32, 34, and 41 of this Act take effect July 1, 2006; sections 25, 26, and 47 of this Act take effect July 6, 2001; remainder of Act takes effect October 3, 2001

AN ACT

1 Relating to victims' rights; relating to establishing an office of victims' rights; relating to the
2 crime victim's choice to appear or testify in a criminal case; relating to compensation of
3 victims of violent crimes; relating to eligibility for a permanent fund dividend for persons
4 convicted of and incarcerated for certain offenses; relating to notice of appropriations
5 concerning victims' rights; relating to restitution for criminal and delinquency acts;
6 authorizing the state to collect restitution on behalf of victims of crime and delinquent acts
7 and the release of certain information related to that collection; relating to the forfeiture of
8 certain cash and other security for payment of other restitution; relating to access by the
9 Violent Crimes Compensation Board to certain records regarding delinquency acts to award
10 compensation to victims; relating to immunity for damages related to certain collections of
11 restitution; amending Rule 82, Alaska Rules of Civil Procedure, Rule 16, Alaska Rules of

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1 Criminal Procedure, Rule 9, Alaska Delinquency Rules, and Rules 402 and 501, Alaska Rules
2 of Evidence; and providing for an effective date.

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

6 SHORT TITLE. This Act may be known as the Crime Victims' Rights and Advocacy
7 Act of 2001.

8 * **Sec. 2.** AS 09.35.010 is amended to read:

9 **Sec. 09.35.010. Judgments enforceable by execution. A writ of execution**
10 **may be issued in favor of**

11 **(1) a [THE] party in whose favor a judgment is given that requires the**
12 **payment of money or the delivery of real or personal property or either of them;**

13 **(2) the state on behalf of a victim of a crime or a delinquent act in**
14 **whose favor a judgment of restitution is ordered** [MAY HAVE A WRIT OF
15 EXECUTION ISSUED FOR ITS ENFORCEMENT].

16 * **Sec. 3.** AS 09.38.030(f) is amended to read:

17 (f) The state may execute on a judgment awarded to the state **or on a**
18 **judgment of restitution on behalf of a victim of a crime or a delinquent act,** and
19 an officer or agent of the state or a state employee, or a former officer, agent, or
20 employee of the state may execute on a judgment to that person against a party to an
21 action who is incarcerated for a criminal conviction by sending a notice of levy to the
22 correctional facility in which the person is incarcerated. All money in an incarcerated
23 person's account at a correctional facility is available for disbursement under a notice
24 of levy under this subsection, in the following order of priority:

25 (1) to support the dependents of the incarcerated person and to provide
26 child support payments as required by AS 25.27;

27 (2) to satisfy restitution or fines ordered by a [SENTENCING] court to
28 be paid by the incarcerated person;

29 (3) to pay a civil judgment entered against the incarcerated person as a
30 result of that person's criminal conduct;

1 (4) to reimburse the state for an award made for violent crimes
2 compensation under AS 18.67 as a result of the incarcerated person's criminal
3 conduct;

4 (5) to satisfy other judgments entered against a prisoner in litigation
5 against the state; in this paragraph, "litigation against the state" has the meaning given
6 in AS 09.19.100.

7 * Sec. 4. AS 09.38.065(a) is amended to read:

8 (a) Notwithstanding other provisions of this chapter,

9 (1) a creditor may make a levy against exempt property of any kind to
10 enforce a claim for

11 (A) child support;

12 (B) unpaid earnings of up to one month's compensation or the
13 full-time equivalent of one month's compensation for personal services of an
14 employee; or

15 (C) state or local taxes;

16 (2) a creditor may make a levy against exempt property to enforce a
17 claim for

18 (A) the purchase price of the property or a loan made for the
19 express purpose of enabling an individual to purchase the property and used
20 for that purpose;

21 (B) labor or materials furnished to make, repair, improve,
22 preserve, store, or transport the property; and

23 (C) a special assessment imposed to defray costs of a public
24 improvement benefiting the property; and

25 (3) a creditor may make a levy against exempt property of any kind to
26 enforce the claim of a [CRIME] victim, including a judgment of restitution on
27 behalf of a victim of a crime or a delinquent act, if the claim arises from
28 [CRIMINAL] conduct of the debtor that results in a [FELONY] conviction of a crime
29 or an adjudication of delinquency, except that the debtor is entitled to an exemption
30 in property

31 (A) not to exceed an aggregate value of \$3,000 chosen by the

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1 debtor from the following categories of property:

2 (i) household goods and wearing apparel reasonably
3 necessary for one household;

4 (ii) books and musical instruments, if reasonably held
5 for the personal use of the debtor or a dependent of the debtor; and

6 (iii) family portraits and heirlooms of particular
7 sentimental value to the debtor; and

8 (B) not to exceed an aggregate value of \$2,800 of the debtor's
9 implements, professional books, and tools of the trade.

10 * **Sec. 5.** AS 09.38.500 is amended by adding new paragraphs to read:

11 (16) "creditor" includes the state on behalf of a victim of a crime or a
12 delinquent act;

13 (17) "judgment of restitution"

14 (A) includes restitution ordered

15 (i) under AS 47.12.120 that is considered as a civil
16 judgment enforceable by execution under AS 47.12.170; and

17 (ii) as part of a sentence under AS 12.55.025(f) that is
18 considered as a judgment for money entered in a civil action;

19 (B) does not include a judgment for

20 (i) civil damages for torts under state law; or

21 (ii) restitution as a result of a violation of state law that
22 is not a felony or misdemeanor;

23 (18) "victim" has the meaning given in AS 12.55.185;

24 (19) "victim of a crime or a delinquent act" means a victim of a crime
25 or a delinquent act committed in violation of state law; "victim of a crime or a
26 delinquent act" does not include a victim of a violator of an ordinance of a political
27 subdivision of the state.

28 * **Sec. 6.** AS 12.30 is amended by adding a new section to read:

29 **Sec. 12.30.075. Forfeited cash and other securities.** (a) Cash or other
30 security posted by a defendant under AS 12.30.020 that would otherwise be forfeited
31 shall be held by the court in trust for the benefit of the victim if, within 30 days after

1 an order of the court establishing a failure to appear or a violation of conditions of
2 release, the prosecuting authority gives notice that restitution may be requested as part
3 of the sentence if the defendant is convicted.

4 (b) If a restitution order is not entered, the court shall order the cash or other
5 security being held in trust to be forfeited to the state.

6 (c) If a restitution order is entered, the court shall apply the cash or other
7 security to the satisfaction of the order. If the cash or other security held in trust is
8 applied to an order of restitution, the court shall issue a separate judgment against the
9 defendant in favor of the state in the amount that would have otherwise been forfeited,
10 and any cash or other security remaining after payment of the restitution shall be
11 applied against that judgment. Any cash or other security remaining shall be forfeited
12 to the state.

13 * Sec. 7. AS 12.55.023(b) is amended to read:

14 (b) A victim may submit to the sentencing court a written statement that the
15 victim believes is relevant to the sentencing decision [,c] and may give sworn testimony
16 or make an unsworn oral presentation to the court at the sentencing hearing. If there
17 are numerous victims, the court may reasonably limit the number of victims who may
18 give sworn testimony or make an unsworn oral presentation during the hearing.
19 When requested by the victim of a felony or a class A misdemeanor, if the class A
20 misdemeanor is a crime involving domestic violence or a crime against a person
21 under AS 11.41, when the victim does not submit a statement, give testimony, or
22 make an oral presentation, the victims' advocate may submit a written statement
23 or make an unsworn oral presentation at the sentencing hearing on behalf of the
24 victim.

25 * Sec. 8. AS 12.55.023(b) is amended to read:

26 (b) A victim may submit to the sentencing court a written statement that the
27 victim believes is relevant to the sentencing decision and may give sworn testimony or
28 make an unsworn oral presentation to the court at the sentencing hearing. If there are
29 numerous victims, the court may reasonably limit the number of victims who may
30 give sworn testimony or make an unsworn oral presentation during the hearing.
31 [WHEN REQUESTED BY THE VICTIM OF A FELONY OR A CLASS A

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1 MISDEMEANOR, IF THE CLASS A MISDEMEANOR IS A CRIME INVOLVING
2 DOMESTIC VIOLENCE OR A CRIME AGAINST A PERSON UNDER AS 11.41,
3 WHEN THE VICTIM DOES NOT SUBMIT A STATEMENT, GIVE TESTIMONY,
4 OR MAKE AN ORAL PRESENTATION, THE VICTIMS' ADVOCATE MAY
5 SUBMIT A WRITTEN STATEMENT OR MAKE AN UNSWORN ORAL
6 PRESENTATION AT THE SENTENCING HEARING ON BEHALF OF THE
7 VICTIM.]

8 * **Sec. 9.** AS 12.55.045(c) is amended to read:

9 (c) If a defendant is sentenced to pay restitution, the court may grant
10 permission for the payment to be made within a specified period of time or in
11 specified installments. **If the defendant fails to make one or more payments**
12 **required under this section, the victim or the state on the victim's behalf may**
13 **enforce the total amount remaining under the order of restitution as provided in**
14 **(l) of this section.**

15 * **Sec. 10.** AS 12.55.045 is amended by adding new subsections to read:

16 (j) A defendant who is convicted of an offense for which restitution may be
17 ordered shall submit financial information as ordered by the court. The Alaska Court
18 System shall prepare a form, in consultation with the Department of Law, for the
19 submission of the information; the form must include a warning that submission of
20 incomplete or inaccurate information is punishable as unsworn falsification under
21 AS 11.56.210. A defendant who is convicted of (1) a felony shall submit the form to
22 the probation office within 30 days after conviction, and the probation officer shall
23 attach the form to the presentence report, or (2) a misdemeanor shall file the form with
24 the defendant's response or opposition to the restitution amount. The defendant shall
25 provide a copy of the completed form to the prosecuting authority.

26 (k) The court, on its own motion or at the request of the prosecuting authority
27 or probation officer, may order a defendant on probation who has been ordered to pay
28 restitution to submit financial information to the court using the form specified in (j)
29 of this section. The defendant shall file the completed form with the court within five
30 days after the court's order. The defendant shall provide a copy of the completed form
31 to the prosecuting authority and the person's probation officer, if any.

1 (l) An order by the court that the defendant pay restitution is a civil judgment
2 for the amount of the restitution. The victim or the state on behalf of the victim may
3 enforce the judgment through any procedure authorized by law for the enforcement of
4 a civil judgment. If the victim enforces or collects restitution through civil process,
5 collection costs and full reasonable attorney fees shall be awarded. If the state on the
6 victim's behalf enforces or collects restitution through civil process, collection costs
7 and full reasonable attorney fees shall be awarded, up to a maximum of twice the
8 amount of restitution owing at the time the civil process was initiated. This section
9 does not limit the authority of the court to enforce orders of restitution.

10 (m) In this section, "conviction" means that the defendant has entered a plea of
11 guilty, guilty but mentally ill, or nolo contendere, or has been found guilty or guilty
12 but mentally ill by a court or jury.

13 * Sec. 11. AS 12.55.051(d) is amended to read:

14 (d) The state may enforce payment of a fine [AND THE RESTITUTION
15 RECIPIENT MAY ENFORCE PAYMENT OF A RESTITUTION ORDER] against a
16 defendant under AS 09.35 as if the order were a civil judgment enforceable by
17 execution. This subsection does not limit the authority of the court to enforce fines
18 [AND ORDERS OF RESTITUTION TO VICTIMS].

19 * Sec. 12. AS 12.55.051 is amended by adding new subsections to read:

20 (e) The Department of Law is authorized to collect restitution on behalf of the
21 recipient unless

22 (1) the recipient elects as provided in (f) of this section to enforce the
23 order of restitution without the assistance of the Department of Law; or

24 (2) the order requires restitution to be made in a form other than
25 payment of a specific dollar amount.

26 (f) The court shall forward a copy of an order of restitution to the Department
27 of Law when the judgment is entered. Along with the copy of the order, the court
28 shall provide the name, date of birth, social security number, and current address of
29 the recipient of the restitution and the defendant, to the extent that the court has that
30 information in its possession. Upon receipt of the order and other information from
31 the court, the Department of Law shall send a notice to the recipient regarding the

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1 recipient's rights under this section, including the right to elect to enforce the order of
2 restitution without the assistance of the Department of Law. The information provided
3 to the Department of Law under this subsection is confidential and is not open to
4 inspection as a public record under AS 40.25.110. The Department of Law or its
5 agents may not disclose the information except as necessary to collect on the
6 restitution.

7 (g) The Department of Law may not begin collection procedures on the order
8 of restitution until the recipient has been given notice and has been given 30 days after
9 receipt of notice to elect to collect the restitution without the assistance of the
10 Department of Law. A recipient may inform the Department of Law at a later time of
11 the recipient's election to collect the restitution without the assistance of the
12 Department of Law; upon receipt of that information, the Department of Law may no
13 longer proceed with collection efforts on behalf of the recipient. A recipient who has
14 elected under this section to collect restitution without the assistance of the
15 Department of Law may not later request the services of that department to collect the
16 restitution.

17 (h) If the Department of Law or its agents proceed to collect restitution on
18 behalf of a recipient under (g) of this section, the actions of the Department of Law or
19 an agent of the Department of Law on behalf of the recipient do not create an attorney-
20 client relationship between the Department of Law and the recipient. The Department
21 of Law or its agents may not settle a judgment for restitution without the consent of
22 the recipient of the restitution.

23 (i) An action for damages may not be brought against the state or any of its
24 agents, officers, or employees based on an action or omission under this section.

25 (j) The Department of Law may enter into contracts on behalf of the state to
26 carry out the collection procedures of this section. The Department of Law may adopt
27 regulations necessary to carry out the collection procedures of this section, including
28 the reimbursement of attorney fees and costs in appropriate cases.

29 * **Sec. 13.** AS 12.55 is amended by adding a new section to read:

30 **Sec. 12.55.151. Court may not reduce or mitigate punishment based on**
31 **victim's failure to appear or testify.** Notwithstanding another provision of law,

1 when sentencing a defendant, a court may not mitigate or reduce the punishment of the
2 defendant based on, or otherwise consider as a mitigating factor or reason to impose a
3 lesser punishment, the failure of the crime victim to appear or testify.

4 * Sec. 14. AS 18.67.130(c) is amended to read:

5 (c) Compensation may not be awarded under this chapter in an amount in
6 excess of \$40,000 [\$25,000] per victim per incident. However, in the case of the death
7 of

8 (1) a victim who has more than one dependent eligible for
9 compensation, the total compensation that may be awarded as a result of that death
10 may not exceed \$80,000; the [\$40,000. THE] board may prorate the total awarded
11 among those dependents according to relative need; or

12 (2) two or more victims in the same incident who jointly have a
13 dependent eligible for compensation, the total compensation that may be
14 awarded as a result of those deaths may not exceed \$80,000.

15 * Sec. 15. AS 23.20.110(l) is amended to read:

16 (l) The department may provide information obtained under this chapter to an
17 agency of this state or to a person under contract with the state to

18 (1) verify the eligibility of an applicant for a public benefit or a
19 publicly financed payment;

20 (2) assist the state in the collection of fines, penalties, judgments of
21 restitution on behalf of victims of crimes or delinquent acts, or other payments
22 ordered by a court or an administrative agency; or

23 (3) collect money owed to the fund under this chapter.

24 * Sec. 16. AS 23.20.110 is amended by adding a new subsection to read:

25 (p) In this section, "judgment of restitution" has the meaning given in
26 AS 09.38.500.

27 * Sec. 17. AS 24.60.990(a)(9) is amended to read:

28 (9) "legislative director" means the director of the legislative finance
29 division, the legislative auditor, the director of the legislative research agency, the
30 ombudsman, the victims' advocate, the executive director of the Legislative Affairs
31 Agency, and the directors of the divisions within the Legislative Affairs Agency;

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1 * **Sec. 18.** AS 24.60.990(a)(9) is amended to read:

2 (9) "legislative director" means the director of the legislative finance
3 division, the legislative auditor, the director of the legislative research agency, the
4 ombudsman, [THE VICTIMS' ADVOCATE,] the executive director of the Legislative
5 Affairs Agency, and the directors of the divisions within the Legislative Affairs
6 Agency;

7 * **Sec. 19.** AS 24 is amended by adding a new chapter to read:

8 **Chapter 65. Office of Victims' Rights.**

9 **Sec. 24.65.010. Office of victims' rights.** There is created in the legislative
10 branch of the state the office of victims' rights. The victims' advocate is the director of
11 the office of victims' rights.

12 **Sec. 24.65.020. Appointment of the victims' advocate.** (a) A candidate for
13 appointment as the victims' advocate shall be nominated by the victims' advocate
14 selection committee composed of three members of the senate appointed by the
15 president of the senate and three members of the house of representatives appointed by
16 the speaker of the house. One member of a minority party caucus in each house shall
17 be appointed to the selection committee.

18 (b) The victims' advocate selection committee shall examine persons to serve
19 as victims' advocate regarding their qualifications and ability and shall place the name
20 of the person selected in nomination. The appointment is effective if the nomination is
21 approved by a roll call vote of two-thirds of the members of the legislature in joint
22 session. The vote on the appointment shall be entered in the journals of both houses.

23 **Sec. 24.65.030. Qualifications.** A person may not serve as victims' advocate

24 (1) unless the person has been a resident of the state for the three years
25 immediately preceding the person's appointment;

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

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

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

31 (5) within one year of the last day on which the person served as a

1 member of the legislature;

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

6 (7) while the person is engaged in another occupation for which the
7 person receives compensation;

8 (8) unless the person is at least 21 years of age and is a qualified voter.

9 **Sec. 24.65.040. Term of office.** (a) The term of office of the victims'
10 advocate is five years. A victims' advocate may be reappointed but may not serve for
11 more than three terms.

12 (b) If the term of a victims' advocate expires without the appointment of a
13 successor under this chapter, the incumbent victims' advocate may continue in office
14 until a successor is appointed. If the victims' advocate dies, resigns, becomes
15 ineligible to serve, or is removed or suspended from office, the person appointed as
16 acting victims' advocate under AS 24.65.070(a) serves until a new victims' advocate is
17 appointed for a full term.

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

22 **Sec. 24.65.060. Compensation.** The victims' advocate is entitled to receive
23 an annual salary equal to Step A, Range 26, on the salary schedule set out in
24 AS 39.27.011(a) for Juneau.

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

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1 entering into personal services and other contracts the victims' advocate finds
2 necessary to carry out the provisions of this chapter.

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

10 (c) The victims' advocate and the staff appointed by the victims' advocate are
11 in the exempt service under AS 39.25.110 and are not subject to the employment
12 policies under AS 24.10 or AS 24.20.

13 **Sec. 24.65.080. Office facilities and administration.** (a) Subject to
14 restrictions and limitations imposed by the executive director of the Legislative Affairs
15 Agency, the administrative facilities and services of the Legislative Affairs Agency,
16 including computer, data processing, and teleconference facilities, may be made
17 available to the victims' advocate to be used in the management of the office of
18 victims' rights and to carry out the purposes of this chapter.

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

22 (c) The victims' advocate shall submit a budget for each fiscal year to the
23 Alaska Legislative Council, and the council shall annually submit an estimated budget
24 to the governor for information purposes in the preparation of the executive budget.
25 After reviewing and approving, with or without modifications, the budget submitted
26 by the victims' advocate, the council shall submit the approved budget to the finance
27 committees of the legislature.

28 **Sec. 24.65.090. Procedure.** (a) The victims' advocate shall, by regulations
29 adopted under AS 44.62 (Administrative Procedure Act), establish procedures for
30 advocacy on behalf of crime victims, receiving and processing complaints, conducting
31 investigations, reporting findings, and ensuring that confidential information obtained

1 by the victims' advocate in the course of advocacy on behalf of a crime victim or in
2 the course of an investigation will not be improperly disclosed. The victims' advocate
3 may establish procedures so that advocacy and investigations on behalf of crime
4 victims in felony cases take a priority over advocacy and investigations on behalf of
5 crime victims in misdemeanor cases.

6 (b) The office of victims' rights may not charge fees for the submission or
7 investigation of complaints.

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

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

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

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

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

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

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

30 (3) prevent or discourage a victim from testifying in a criminal
31 proceeding.

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

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

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

12 (d) Records obtained by the victims' advocate shall remain in the exclusive
13 custody of the victims' advocate. The victims' advocate may not disclose confidential
14 information to any person.

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

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

19 (1) make inquiries and obtain information considered necessary;

20 (2) hold private hearings; and

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

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

1 agency.

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

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

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

11 (b) If a person refuses to comply with a subpoena issued under (a) of this
12 section, the superior court may, on application of the victims' advocate, compel
13 obedience by proceedings for contempt in the same manner as in the case of
14 disobedience to the requirements of a subpoena issued by the court or refusal to testify
15 in the court.

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

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

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

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

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

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

3 (6) a justice agency concerning records that lead to the disclosure of a
4 confidential police informant.

5 **Sec. 24.65.140. Consultation.** Before giving an opinion or recommendation
6 that is critical of a justice agency or person as a result of an investigation under
7 AS 24.65.120, the victims' advocate shall consult with that agency or person. The
8 victims' advocate may make a preliminary opinion or recommendation available to the
9 agency or person for review, but the preliminary opinion or recommendation is
10 confidential and may not be disclosed to the public by the agency or person.

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

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

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

23 **Sec. 24.65.160. Publication of recommendations.** Except as provided in
24 AS 24.65.150(c), within a reasonable amount of time after the victims' advocate
25 reports the advocate's opinion and recommendations to a justice agency, the victims'
26 advocate may present the opinion and recommendations to the governor, the
27 legislature, a grand jury, the public, or any of these. The victims' advocate shall
28 include with the opinion any reply made by the agency.

29 **Sec. 24.65.170. Annual report.** The victims' advocate shall make available to
30 the public an annual report of the victims' advocate's activities under this chapter and
31 notify the legislature that the report is available.

1 **Sec. 24.65.180. Judicial review.** A proceeding or decision of the victims'
2 advocate may be reviewed in superior court only to determine if it is contrary to the
3 provisions of this chapter.

4 **Sec. 24.65.190. Immunity of the victims' advocate.** A civil action may not
5 be brought against the victims' advocate or a member of the victims' advocate's staff
6 for anything done, said, or omitted in performing the victims' advocate's duties or
7 responsibilities under this chapter.

8 **Sec. 24.65.200. Victims' advocate's privilege not to testify or produce**
9 **documents or other evidence.** Except as may be necessary to enforce the provisions
10 of this chapter, the determinations, conclusions, thought processes, discussions,
11 records, reports, and recommendations of or information collected by the victims'
12 advocate or staff of the victims' advocate are not admissible in a civil or criminal
13 proceeding, and are not subject to questioning or disclosure by subpoena or discovery.

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

19 **Sec. 24.65.250. Definitions.** In this chapter,

20 (1) "justice agency" means a department, office, institution,
21 corporation, authority, organization, commission, committee, council, court, or board
22 in the executive or judicial branches of the state government that is, in any manner,
23 involved with or responsible for the apprehension, prosecution, incarceration, or
24 supervision of criminal or juvenile offenders; it also includes an officer, employee, or
25 member of an agency acting or purporting to act in the exercise of official duties;

26 (2) "victim" has the meaning given in AS 12.55.185.

27 * **Sec. 20.** AS 39.25.110 is amended by adding a new paragraph to read:

28 (34) the victims' advocate established under AS 24.65.010 and the
29 advocate's staff.

30 * **Sec. 21.** AS 39.27.022(d) is amended to read:

31 (d) This section applies to employees of the legislature only if the committee

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1 responsible for adopting employment policies concerning the employee adopts a
2 written policy that the section applies. This section applies to the employees of the
3 office of the ombudsman only if the ombudsman adopts a policy that the section
4 applies. **This section applies to the employees of the office of victims' rights only**
5 **if the victims' advocate adopts a policy that the section applies.**

6 * **Sec. 22.** AS 39.27.022(d) is amended to read:

7 (d) This section applies to employees of the legislature only if the committee
8 responsible for adopting employment policies concerning the employee adopts a
9 written policy that the section applies. This section applies to the employees of the
10 office of the ombudsman only if the ombudsman adopts a policy that the section
11 applies. [THIS SECTION APPLIES TO THE EMPLOYEES OF THE OFFICE OF
12 VICTIMS' RIGHTS ONLY IF THE VICTIMS' ADVOCATE ADOPTS A POLICY
13 THAT THE SECTION APPLIES.]

14 * **Sec. 23.** AS 39.35.385(f) is amended to read:

15 (f) Subject to AS 39.35.450, an employee is eligible for a normal retirement
16 benefit at age 60 or an early retirement benefit at age 55 if the employee was first
17 hired as a legislative employee before May 30, 1987, and has at least 60 days of
18 credited service as an employee of the legislature, other than as an employee of the
19 Office of the Ombudsman **or the office of victims' rights**, during each of five
20 legislative sessions. An employee who was first hired as a legislative employee on or
21 after May 30, 1987, and is otherwise eligible under this subsection must have at least
22 80 days of credited service during each of five legislative sessions to receive benefits
23 under this subsection.

24 * **Sec. 24.** AS 39.35.385(f) is amended to read:

25 (f) Subject to AS 39.35.450, an employee is eligible for a normal retirement
26 benefit at age 60 or an early retirement benefit at age 55 if the employee was first
27 hired as a legislative employee before May 30, 1987, and has at least 60 days of
28 credited service as an employee of the legislature, other than as an employee of the
29 Office of the Ombudsman [OR THE OFFICE OF VICTIMS' RIGHTS], during each
30 of five legislative sessions. An employee who was first hired as a legislative
31 employee on or after May 30, 1987, and is otherwise eligible under this subsection

1 must have at least 80 days of credited service during each of five legislative sessions
2 to receive benefits under this subsection.

3 * **Sec. 25.** AS 43.23.005(d) is amended to read:

4 (d) Notwithstanding the provisions of (a) - (c) of this section, an individual is
5 not eligible for a permanent fund dividend for a dividend year when

6 (1) during the qualifying year, the individual was sentenced as a result
7 of conviction in this state of a felony;

8 (2) during all or part of the qualifying year, the individual was
9 incarcerated as a result of the conviction in this state of a

10 (A) felony; or

11 (B) misdemeanor if the individual has been convicted of

12 **(i) a prior felony as defined in AS 11.81.900; or**

13 **(ii) two or more prior misdemeanors [CRIMES] as**
14 **defined in AS 11.81.900.**

15 * **Sec. 26.** AS 43.23.028 is amended to read:

16 **Sec. 43.23.028. Public notice.** (a) By October 1 of each year, the
17 commissioner shall give public notice of the value of each permanent fund dividend
18 for that year and notice of the information required to be disclosed under (3) of this
19 subsection. In addition, the stub attached to each individual dividend check and direct
20 deposit advice must

21 (1) disclose the amount of each dividend attributable to income earned
22 by the permanent fund from deposits to that fund required under art. IX, sec. 15,
23 Constitution of the State of Alaska;

24 (2) disclose the amount of each dividend attributable to income earned
25 by the permanent fund from appropriations to that fund and from amounts added to
26 that fund to offset the effects of inflation;

27 (3) disclose the amount by which each dividend has been reduced due
28 to each appropriation from the dividend fund, including amounts to pay the costs of
29 administering the dividend program and the hold harmless provisions of
30 AS 43.23.075;

31 (4) include a statement that an individual is not eligible for a dividend

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1 when

2 (A) during the qualifying year, the individual was convicted of
3 a felony;

4 (B) during all or part of the qualifying year, the individual was
5 incarcerated as a result of the conviction of a

6 (i) felony; or

7 (ii) misdemeanor if the individual has been convicted of
8 **a prior felony or** two or more prior **misdemeanors** [CRIMES];

9 (5) include a statement that the legislative purpose for making
10 individuals listed under (4) of this subsection ineligible is to

11 (A) obtain reimbursement for some of the costs imposed on the
12 state criminal justice system related to incarceration or probation of those
13 individuals;

14 (B) provide funds for **services for and** payments to crime
15 victims and for grants for the operation of domestic violence and sexual assault
16 programs;

17 (6) disclose the total amount that would have been paid during the
18 previous fiscal year to individuals who were ineligible to receive dividends under
19 AS 43.23.005(d) if they had been eligible;

20 (7) disclose the total amount appropriated for the current fiscal year
21 under (b) of this section for each of the funds and agencies listed in (b) of this section.

22 (b) To the extent that amounts appropriated for a fiscal year do not exceed the
23 total amount that would have been paid during the previous fiscal year to individuals
24 who were ineligible to receive dividends under AS 43.23.005(d) if they had been
25 eligible, the notice requirements of (a)(3) of this section do not apply to appropriations
26 from the dividend fund to [THE]

27 (1) **the** crime victim compensation fund established under
28 AS 18.67.162 for payments to crime victims;

29 (2) **the** council on domestic violence and sexual assault established
30 under AS 18.66.010 for grants for the operation of domestic violence and sexual
31 assault programs; [OR]

1 (3) the Department of Corrections for incarceration and probation
2 programs;

3 (4) the office of victims' rights; or

4 (5) nonprofit victims' rights organizations for grants for services to
5 crime victims.

6 * Sec. 27. AS 44.62.040(c) is amended to read:

7 (c) Before submitting the regulations and orders of repeal to the lieutenant
8 governor under (a) of this section, every state agency that by statute possesses
9 regulation making authority, except boards and commissions, the office of victims'
10 rights, and the office of the ombudsman, shall submit to the governor for review a
11 copy of every regulation or order of repeal adopted by the agency, except regulations
12 and orders of repeal identified in (a)(1) - (2) of this section. The governor may review
13 the regulations and orders of repeal received under this subsection. The governor may
14 return the regulations and orders of repeal to the adopting agency before they are
15 submitted to the lieutenant governor for filing under (a) of this section [,] (1) if they
16 are inconsistent with the faithful execution of the laws, or (2) to enable the adopting
17 agency to respond to specific issues raised by the Administrative Regulation Review
18 Committee. The governor may not delegate the governor's review authority under this
19 subsection to a person other than the lieutenant governor.

20 * Sec. 28. AS 44.62.040(c) is amended to read:

21 (c) Before submitting the regulations and orders of repeal to the lieutenant
22 governor under (a) of this section, every state agency that by statute possesses
23 regulation making authority, except boards and commissions [, THE OFFICE OF
24 VICTIMS' RIGHTS,] and the office of the ombudsman, shall submit to the governor
25 for review a copy of every regulation or order of repeal adopted by the agency, except
26 regulations and orders of repeal identified in (a)(1) - (2) of this section. The governor
27 may review the regulations and orders of repeal received under this subsection. The
28 governor may return the regulations and orders of repeal to the adopting agency before
29 they are submitted to the lieutenant governor for filing under (a) of this section (1) if
30 they are inconsistent with the faithful execution of the laws, or (2) to enable the
31 adopting agency to respond to specific issues raised by the Administrative Regulation

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1 Review Committee. The governor may not delegate the governor's review authority
2 under this subsection to a person other than the lieutenant governor.

3 * **Sec. 29.** AS 44.62.215 is amended to read:

4 **Sec. 44.62.215. Record of public comment.** In the drafting, review, or other
5 preparation of a proposed regulation, amendment, or order of repeal, an agency, other
6 than a board or commission, the office of victims' rights, and the office of the
7 ombudsman, shall keep a record of its use or rejection of factual or other substantive
8 information that is submitted in writing as public comment and that is relevant to the
9 accuracy, coverage, or other aspect of the proposed regulatory action.

10 * **Sec. 30.** AS 44.62.215 is amended to read:

11 **Sec. 44.62.215. Record of public comment.** In the drafting, review, or other
12 preparation of a proposed regulation, amendment, or order of repeal, an agency, other
13 than a board or commission [, THE OFFICE OF VICTIMS' RIGHTS,] and the office
14 of the ombudsman, shall keep a record of its use or rejection of factual or other
15 substantive information that is submitted in writing as public comment and that is
16 relevant to the accuracy, coverage, or other aspect of the proposed regulatory action.

17 * **Sec. 31.** AS 44.66.050(c) is amended to read:

18 (c) A determination as to whether a board or commission or agency program
19 has demonstrated a public need for its continued existence must take into
20 consideration the following factors:

21 (1) the extent to which the board, commission, or program has
22 operated in the public interest;

23 (2) the extent to which the operation of the board, commission, or
24 agency program has been impeded or enhanced by existing statutes, procedures, and
25 practices that it has adopted, and any other matter, including budgetary, resource, and
26 personnel matters;

27 (3) the extent to which the board, commission, or agency has
28 recommended statutory changes that are generally of benefit to the public interest;

29 (4) the extent to which the board, commission, or agency has
30 encouraged interested persons to report to it concerning the effect of its regulations
31 and decisions on the effectiveness of service, economy of service, and availability of

1 service that it has provided;

2 (5) the extent to which the board, commission, or agency has
3 encouraged public participation in the making of its regulations and decisions;

4 (6) the efficiency with which public inquiries or complaints regarding
5 the activities of the board, commission, or agency filed with it, with the department to
6 which a board or commission is administratively assigned, or with the office of
7 victims' rights or the office of the ombudsman have been processed and resolved;

8 (7) the extent to which a board or commission that regulates entry into
9 an occupation or profession has presented qualified applicants to serve the public;

10 (8) the extent to which state personnel practices, including affirmative
11 action requirements, have been complied with by the board, commission, or agency to
12 its own activities and the area of activity or interest; and

13 (9) the extent to which statutory, regulatory, budgeting, or other
14 changes are necessary to enable the agency, board, or commission to better serve the
15 interests of the public and to comply with the factors enumerated in this subsection.

16 * **Sec. 32.** AS 44.66.050(c) is amended to read:

17 (c) A determination as to whether a board or commission or agency program
18 has demonstrated a public need for its continued existence must take into
19 consideration the following factors:

20 (1) the extent to which the board, commission, or program has
21 operated in the public interest;

22 (2) the extent to which the operation of the board, commission, or
23 agency program has been impeded or enhanced by existing statutes, procedures, and
24 practices that it has adopted, and any other matter, including budgetary, resource, and
25 personnel matters;

26 (3) the extent to which the board, commission, or agency has
27 recommended statutory changes that are generally of benefit to the public interest;

28 (4) the extent to which the board, commission, or agency has
29 encouraged interested persons to report to it concerning the effect of its regulations
30 and decisions on the effectiveness of service, economy of service, and availability of
31 service that it has provided;

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1 (5) the extent to which the board, commission, or agency has
2 encouraged public participation in the making of its regulations and decisions;

3 (6) the efficiency with which public inquiries or complaints regarding
4 the activities of the board, commission, or agency filed with it, with the department to
5 which a board or commission is administratively assigned, or with the [OFFICE OF
6 VICTIMS' RIGHTS OR THE] office of the ombudsman have been processed and
7 resolved;

8 (7) the extent to which a board or commission that regulates entry into
9 an occupation or profession has presented qualified applicants to serve the public;

10 (8) the extent to which state personnel practices, including affirmative
11 action requirements, have been complied with by the board, commission, or agency to
12 its own activities and the area of activity or interest; and

13 (9) the extent to which statutory, regulatory, budgeting, or other
14 changes are necessary to enable the agency, board, or commission to better serve the
15 interests of the public and to comply with the factors enumerated in this subsection.

16 * **Sec. 33.** AS 44.99.240(2) is amended to read:

17 (2) "state agency" means

18 (A) a department, institution, board, commission, division,
19 authority, public corporation, or other administrative unit of the executive
20 branch, including the University of Alaska and the Alaska Railroad
21 Corporation;

22 (B) a committee, division, or administrative unit of the
23 legislative branch, including the Alaska Legislative Council, the leadership of
24 each house, **the office of victims' rights**, and the office of the ombudsman;

25 (C) an administrative unit of the judicial branch, including the
26 Alaska Judicial Council and the Commission on Judicial Conduct.

27 * **Sec. 34.** AS 44.99.240(2) is amended to read:

28 (2) "state agency" means

29 (A) a department, institution, board, commission, division,
30 authority, public corporation, or other administrative unit of the executive
31 branch, including the University of Alaska and the Alaska Railroad

1 Corporation;

2 (B) a committee, division, or administrative unit of the
3 legislative branch, including the Alaska Legislative Council, the leadership of
4 each house, [THE OFFICE OF VICTIMS' RIGHTS,] and the office of the
5 ombudsman;

6 (C) an administrative unit of the judicial branch, including the
7 Alaska Judicial Council and the Commission on Judicial Conduct.

8 * Sec. 35. AS 47.12.130 is amended by adding a new subsection to read:

9 (d) For purposes of restitution under AS 47.12.120(b), the court shall order the
10 minor, and the minor's parent if applicable, to submit financial information, on a
11 specified form, to the court, the department, and the Department of Law. The Alaska
12 Court System shall prepare the form in consultation with the department and the
13 Department of Law; the form must include a warning that submission of incomplete or
14 inaccurate information is punishable as unsworn falsification under AS 11.56.210.
15 The persons required to submit information under this subsection shall comply within
16 five days after the entry of the dispositional order under AS 47.12.120.

17 * Sec. 36. AS 47.12.155(b) is amended to read:

18 (b) If a minor is found to be a delinquent under AS 47.12.120, the court may
19 order that the minor's parent or guardian

20 (1) personally participate in treatment reasonably available in the
21 parent's or guardian's location as specified in a plan set out in the court order;

22 (2) notify the department if the minor violates a term or condition of
23 the court order; and

24 (3) comply with any other conditions set out in the court order,
25 including a condition in an order requiring a parent to pay restitution ordered on
26 behalf of a victim of a delinquent act.

27 * Sec. 37. AS 47.12.170 is amended to read:

28 **Sec. 47.12.170. Enforcement of restitution.** A person who is a recipient of a
29 restitution order involving a minor found delinquent under AS 47.12.120, or the state
30 on behalf of the restitution recipient, may enforce an order for restitution under
31 AS 47.12.120 against the minor and the minor's parent under AS 09.35 as if the order

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1 were a civil judgment enforceable by execution. If the restitution recipient enforces
2 or collects restitution through civil process, collection costs and full reasonable
3 attorney fees shall be awarded. If the state on the restitution recipient's behalf
4 enforces or collects restitution through civil process, collection costs and full
5 reasonable attorney fees shall be awarded, up to a maximum of twice the amount
6 of restitution owing at the time the civil process was initiated. This section does
7 not limit the authority of the court to otherwise enforce orders of payment for
8 restitution. An order of restitution enforced under this section does not limit under
9 other law the civil liability of the minor or the minor's parent as a result of the
10 delinquent conduct.

11 * Sec. 38. AS 47.12.170 is amended by adding new subsections to read:

12 (b) The Department of Law is authorized to collect restitution on behalf of the
13 recipient unless

14 (1) the recipient elects as provided in (c) of this section to enforce the
15 order of restitution without the assistance of the Department of Law; or

16 (2) the order requires restitution to be made in a form other than
17 payment of a specific dollar amount.

18 (c) The court shall forward a copy of an order of restitution to the department
19 when the judgment is entered. Along with the copy of the order, the court shall
20 provide the name, date of birth, social security number, and current address of the
21 recipient of the restitution, the minor, and the minor's parent, to the extent that the
22 court has that information in its possession. Upon receipt of the order and other
23 information from the court, the department shall send a notice to the recipient
24 regarding the recipient's rights under this section, including the right to elect to enforce
25 the order of restitution without the assistance of the Department of Law. When 30
26 days have passed since the recipient received the notice, or when the department
27 receives the recipient's response to the notice, whichever is earlier, the department
28 shall send to the Department of Law a copy of the order of restitution; the name, date
29 of birth, social security number, and current address of the recipient, the minor, and
30 the minor's parent; the notice sent to the recipient under this subsection; and the
31 recipient's response, if any. If a response from the recipient reaches the department

1 after the department has sent the order of restitution and other information to the
2 Department of Law under this subsection, the department shall immediately send the
3 response to the Department of Law. The information provided to the Department of
4 Law under this subsection is confidential and is not open to inspection as a public
5 record under AS 40.25.110. The Department of Law or its agents may not disclose the
6 information except as necessary to collect on the restitution.

7 (d) The Department of Law may not begin collection procedures on the order
8 of restitution until the recipient has been given notice under (c) of this section and has
9 been given 30 days after receipt of notice to elect to collect the restitution without the
10 assistance of the Department of Law. A recipient may inform the Department of Law
11 at a later time of the recipient's election to collect the restitution without the assistance
12 of the Department of Law; upon receipt of the information, the Department of Law
13 may no longer proceed with collection efforts on behalf of the recipient. A recipient
14 who has elected under this section to collect restitution without the assistance of the
15 Department of Law may not later request the services of that department to collect the
16 restitution.

17 (e) If the Department of Law or its agents proceed to collect restitution on
18 behalf of a recipient under (c) of this section, the actions of the Department of Law or
19 an agent of the Department of Law on behalf of the recipient do not create an attorney-
20 client relationship between the Department of Law and the recipient. The Department
21 of Law or its agent may not settle a judgment for restitution without the consent of the
22 recipient of the restitution.

23 (f) An action for damages may not be brought against the state or any of its
24 agents, officers, or employees based on an action or omission under this section.

25 (g) The Department of Law may enter into contracts on behalf of the state to
26 carry out the collection procedures of this section. The Department of Law may adopt
27 regulations necessary to carry out the collection procedures of this section, including
28 the reimbursement of attorney fees and costs in appropriate cases.

29 * Sec. 39. AS 47.12.310(b) is amended to read:

30 (b) A state or municipal agency or employee **shall disclose**

31 (1) [SHALL DISCLOSE] information regarding a case to a federal,

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1 state, or municipal law enforcement agency for a specific investigation being
2 conducted by that agency; and

3 (2) [SHALL DISCLOSE] appropriate information regarding a case to

4 (A) a guardian ad litem appointed by the court;

5 (B) a person or an agency requested by the department or the
6 minor's legal custodian to provide consultation or services for a minor who is
7 subject to the jurisdiction of the court under this chapter as necessary to enable
8 the provision of the consultation or services;

9 (C) school officials as may be necessary to protect the safety of
10 the minor who is the subject of the case and the safety of school students and
11 staff or to enable the school to provide appropriate counseling and supportive
12 services to meet the needs of a minor about whom information is disclosed;

13 (D) a governmental agency as may be necessary to obtain that
14 agency's assistance for the department in its investigation or to obtain physical
15 custody of a minor;

16 (E) a law enforcement agency of this state or another
17 jurisdiction as may be necessary for the protection, rehabilitation, or
18 supervision of any minor or for actions by that agency to protect the public
19 safety;

20 (F) a victim or to the victim's insurance company as may be
21 necessary to inform the victim or the insurance company about the arrest of the
22 minor, including the minor's name and the names of the minor's parents, copies
23 of reports, or the disposition or resolution of a case involving a minor;

24 (G) the state medical examiner under AS 12.65 as may be
25 necessary to perform the duties of the state medical examiner; [AND]

26 (H) foster parents or relatives with whom the child is placed by
27 the department as may be necessary to enable the foster parents or relatives to
28 provide appropriate care for the child who is the subject of the case, to protect
29 the safety of the child who is the subject of the case, and to protect the safety
30 and property of family members and visitors of the foster parents or relatives;

31 **(I) the Department of Law or its agent for use and**

1 subsequent release if necessary for collection of an order of restitution on
2 behalf of the recipient; and

3 (J) the Violent Crimes Compensation Board established in
4 AS 18.67.020 for use in awarding compensation under AS 18.67.080.

5 * **Sec. 40.** AS 09.38.065(d) is repealed.

6 * **Sec. 41.** AS 24.65.010, 24.65.020, 24.65.030, 24.65.040, 24.65.050, 24.65.060,
7 24.65.070, 24.65.080, 24.65.090, 24.65.100, 24.65.110, 24.65.120, 24.65.130, 24.65.140,
8 24.65.150, 24.65.160, 24.65.170, 24.65.180, 24.65.190, 24.65.200, 24.65.210, 24.65.250;
9 AS 39.25.110(34); and AS 43.23.028(b)(4) are repealed.

10 * **Sec. 42.** The uncodified law of the State of Alaska is amended by adding a new section to
11 read:

12 INDIRECT COURT RULE AMENDMENT. (a) The provisions of AS 12.55.045(l),
13 enacted by sec. 10 of this Act, and the provisions of AS 47.12.170, as amended by sec. 37 of
14 this Act, have the effect of amending Rule 82, Alaska Rules of Civil Procedure, by
15 authorizing full reasonable attorney fees for certain cases of victim restitution.

16 (b) The provisions of AS 12.55.045(l), enacted by sec. 10 of this Act, and
17 AS 47.12.170, as amended by sec. 37 of this Act, that authorize full reasonable attorney fees
18 take effect only if (a) of this section receives the two-thirds majority vote of each house
19 required by art. IV, sec. 15, Constitution of the State of Alaska. Otherwise, the provisions
20 shall require an award of collection costs and reasonable attorney fees.

21 * **Sec. 43.** The uncodified law of the State of Alaska is amended by adding a new section to
22 read:

23 INDIRECT COURT RULE AMENDMENT. AS 24.65.110 and 24.65.120, added by
24 sec. 19 of this Act, have the effect of amending Rule 16, Alaska Rules of Criminal Procedure,
25 and Rule 9, Alaska Delinquency Rules, by allowing the victims' advocate a right of access to
26 information in criminal prosecutions and juvenile adjudications that is equal to that available
27 to criminal defendants or juveniles when the advocate is engaging in advocacy or that is
28 unlimited when the advocate is engaging in investigations concerning victims' rights.

29 * **Sec. 44.** The uncodified law of the State of Alaska is amended by adding a new section to
30 read:

31 INDIRECT COURT RULE AMENDMENT. AS 24.65.200, added by sec. 19 of this

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1 Act, amends Rules 402 and 501, Alaska Rules of Evidence, by creating a new privilege from
2 being compelled to testify or produce evidence in a court and precluding admissibility of
3 certain evidence in certain cases.

4 * **Sec. 45.** The uncodified law of the State of Alaska is amended by adding a new section to
5 read:

6 APPLICABILITY. Sections 2 - 6, 9 - 12, 15, 16, and 35 - 40 of this Act apply to
7 judgments or orders of restitution entered in adjudications of delinquency of minors or in
8 criminal cases before, on, or after the effective date of secs. 2 - 6, 9 - 12, 15, 16, and 35 - 40
9 of this Act.

10 * **Sec. 46.** The uncodified law of the State of Alaska is amended by adding a new section to
11 read:

12 TRANSITION: REGULATIONS. The state agencies affected by this Act may
13 immediately proceed to adopt regulations necessary to implement the changes made by this
14 Act. The regulations take effect under AS 44.62 (Administrative Procedure Act), but not
15 before the effective date of the applicable statutory change.

16 * **Sec. 47.** The uncodified law of the State of Alaska is amended by adding a new section to
17 read:

18 TRANSITION. Notwithstanding the effective date of secs. 1, 7, 13, 14, 17, 19 - 21,
19 23, 25 - 27, 29, 31, 33, and 42 of this Act, to the extent that there are appropriations for the
20 purpose, the executive director of the Legislative Affairs Agency may purchase supplies and
21 equipment, obtain office space, and employ clerical staff so that the office of victims' rights,
22 created in sec. 19 of this Act, is able to begin work on July 1, 2002.

23 * **Sec. 48.** Sections 25, 26, and 47 of this Act take effect immediately under
24 AS 01.10.070(c).

25 * **Sec. 49.** Sections 1, 7, 13, 14, 17, 19 - 21, 23, 27, 29, 31, 33, 43, and 44 of this Act take
26 effect July 1, 2002.

27 * **Sec. 50.** Sections 2 - 6, 9 - 12, 15, 16, 35 - 40, 42, and 45 of this Act take effect January 1,
28 2002.

29 * **Sec. 51.** Sections 8, 18, 22, 24, 28, 30, 32, 34, and 41 of this Act take effect July 1, 2006.