

NATIONAL CRIME VICTIM LAW INSTITUTE

at Lewis & Clark Law School

PROTECTING, ENFORCING, and ADVANCING VICTIMS' RIGHTS

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ALASKA VICTIMS RIGHTS LAWS¹

CONSTITUTION

Article I, Section 24 – Rights of Crime Victims.

Crime victims, as defined by law, shall have the following rights as provided by law:

- the right to be reasonably protected from the accused through the imposition of appropriate bail or conditions of release by the court; the right to be treated with dignity, respect, and fairness during all phases of the criminal and juvenile justice process; the right to confer with the prosecution;
- the right to timely disposition of the case following the arrest of the accused;
- the right to obtain information about and be allowed to be present at all criminal or juvenile proceedings where the accused has the right to be present;
- the right to be allowed to be heard, upon request, at sentencing, before or after conviction or juvenile adjudication, and at any proceeding where the accused's release from custody is considered;
- the right to restitution from the accused; and
- the right to be informed, upon request, of the accused's escape or release from custody before or after conviction or juvenile adjudication.

STATUTE

§ 12.61.010. Rights of crime victims.

(a) Victims of crimes have the following rights:

- (1) the right to be present during any proceeding in
 - (A) the prosecution and sentencing of a defendant if the defendant has the right to be present, including being present during testimony even if the victim is likely to be called as a witness;
 - (B) the adjudication of a minor as provided under AS 47.12.110;
- (2) the right to be notified by the appropriate law enforcement agency or the prosecuting attorney of the date of trial, sentencing, including a proceeding before a three-judge panel under AS 12.55.175, an appeal, and any hearing in which the defendant's release from custody is considered;

¹ Not intended to be exhaustive.

- (3) the right to be notified that a sentencing hearing or a court proceeding to which the victim has been subpoenaed will not occur as scheduled;
 - (4) the right to receive protection from harm and threats of harm arising out of cooperation with law enforcement and prosecution efforts and to be provided with information as to the protection available;
 - (5) the right to be notified of the procedure to be followed to apply for and receive any compensation under AS 18.67;
 - (6) at the request of the prosecution or a law enforcement agency, the right to cooperate with the criminal justice process without loss of pay and other employee benefits except as authorized by AS 12.61.017 and without interference in any form by the employer of the victim of crime;
 - (7) the right to obtain access to immediate medical assistance and not to be detained for an unreasonable length of time by a law enforcement agency before having medical assistance administered; however, an employee of the law enforcement agency may, if necessary, accompany the person to a medical facility to question the person about the criminal incident if the questioning does not hinder the administration of medical assistance;
 - (8) the right to make a written or oral statement for use in preparation of the presentence report of a felony defendant;
 - (9) the right to appear personally at the defendant's sentencing hearing to present a written statement and to give sworn testimony or an unsworn oral presentation;
 - (10) the right to be informed by the prosecuting attorney, at any time after the defendant's conviction, about the complete record of the defendant's convictions;
 - (11) the right to notice under AS 12.47.095 concerning the status of the defendant found not guilty by reason of insanity;
 - (12) the right to notice under AS 33.16.087 of a hearing concerning special medical parole of the defendant;
 - (13) the right to notice under AS 33.16.120 of a hearing to consider or review discretionary parole of the defendant; and
 - (14) the right to notice under AS 33.30.013 of the release or escape of the defendant.
- (b) Law enforcement agencies, prosecutors, corrections agencies, social services agencies, and the courts shall make every reasonable effort to ensure that victims of crimes have the rights set out in (a) of this section. However, a failure to ensure these rights does not give rise to a separate cause of action against law enforcement agencies, other agencies of the state, or a political subdivision of the state.