



# LAWS OF ALASKA

2011

**Source**

SCS CSHB 127(JUD)

**Chapter No.**

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**AN ACT**

Relating to the crimes of stalking, sexual assault in the third degree, sexual assault in the fourth degree, unlawful exploitation of a minor, distribution of child pornography, online enticement of a minor, endangering the welfare of a child, sending an explicit image of a minor, harassment, and misconduct involving confidential information; making the installation, enabling, or use of keystroke loggers or other devices criminal use of a computer; relating to probation; relating to the subpoena power of the attorney general in cases involving use of an Internet service account; relating to an appearance before a judicial officer after arrest; relating to conditions of probation in criminal cases involving sex offenses; relating to penalties for operating a vehicle without possessing proof of motor vehicle liability insurance or a driver's license; relating to penalties for certain arson offenses; amending Rule 5(a)(1), Alaska Rules of Criminal Procedure, and Rule 43.10, Alaska Rules of Administration; and providing for an effective date.

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

THE ACT FOLLOWS ON PAGE 1



**AN ACT**

1 Relating to the crimes of stalking, sexual assault in the third degree, sexual assault in the  
2 fourth degree, unlawful exploitation of a minor, distribution of child pornography, online  
3 enticement of a minor, endangering the welfare of a child, sending an explicit image of a  
4 minor, harassment, and misconduct involving confidential information; making the  
5 installation, enabling, or use of keystroke loggers or other devices criminal use of a computer;  
6 relating to probation; relating to the subpoena power of the attorney general in cases involving  
7 use of an Internet service account; relating to an appearance before a judicial officer after  
8 arrest; relating to conditions of probation in criminal cases involving sex offenses; relating to  
9 penalties for operating a vehicle without possessing proof of motor vehicle liability insurance  
10 or a driver's license; relating to penalties for certain arson offenses; amending Rule 5(a)(1),  
11 Alaska Rules of Criminal Procedure, and Rule 43.10, Alaska Rules of Administration; and

1 providing for an effective date.

2 \_\_\_\_\_  
3 \* **Section 1.** AS 11.41.270(b)(3) is amended to read:

4 (3) "nonconsensual contact" means any contact with another person  
5 that is initiated or continued without that person's consent, that is beyond the scope of  
6 the consent provided by that person, or that is in disregard of that person's expressed  
7 desire that the contact be avoided or discontinued; "nonconsensual contact" includes

8 (A) following or appearing within the sight of that person;

9 (B) approaching or confronting that person in a public place or  
10 on private property;

11 (C) appearing at the workplace or residence of that person;

12 (D) entering onto or remaining on property owned, leased, or  
13 occupied by that person;

14 (E) contacting that person by telephone;

15 (F) sending mail or electronic communications to that person;

16 (G) placing an object on, or delivering an object to, property  
17 owned, leased, or occupied by that person;

18 **(H) following or monitoring that person with a global**  
19 **positioning device or similar technological means;**

20 **(I) using, installing, or attempting to use or install a device**  
21 **for observing, recording, or photographing events occurring in the**  
22 **residence, vehicle, or workplace used by that person, or on the personal**  
23 **telephone or computer used by that person;**

24 \* **Sec. 2.** AS 11.41.270(b) is amended by adding a new paragraph to read:

25 (5) "device" includes software.

26 \* **Sec. 3.** AS 11.41.425(a) is amended to read:

27 (a) An offender commits the crime of sexual assault in the third degree if the  
28 offender

29 (1) engages in sexual contact with a person who the offender knows is

30 (A) mentally incapable;

1 (B) incapacitated; or

2 (C) unaware that a sexual act is being committed;

3 (2) while employed in a state correctional facility or other placement  
4 designated by the commissioner of corrections for the custody and care of prisoners,  
5 engages in sexual penetration with a person who the offender knows is committed to  
6 the custody of the Department of Corrections to serve a term of imprisonment or  
7 period of temporary commitment; [OR]

8 (3) engages in sexual penetration with a person 18 or 19 years of age  
9 who the offender knows is committed to the custody of the Department of Health and  
10 Social Services under AS 47.10 or AS 47.12 and the offender is the legal guardian of  
11 the person; or

12 **(4) while employed in the state by a law enforcement agency as a**  
13 **peace officer, or while acting as a peace officer in the state, engages in sexual**  
14 **penetration with a person with reckless disregard that the person is in the**  
15 **custody or the apparent custody of the offender, or is committed to the custody of**  
16 **a law enforcement agency.**

17 \* **Sec. 4.** AS 11.41.425 is amended by adding a new subsection to read:

18 (c) In this section, "peace officer" has the meaning given in AS 01.10.060.

19 \* **Sec. 5.** AS 11.41.427(a) is amended to read:

20 (a) An offender commits the crime of sexual assault in the fourth degree if

21 (1) while employed in a state correctional facility or other placement  
22 designated by the commissioner of corrections for the custody and care of prisoners,  
23 the offender engages in sexual contact with a person who the offender knows is  
24 committed to the custody of the Department of Corrections to serve a term of  
25 imprisonment or period of temporary commitment; [OR]

26 (2) the offender engages in sexual contact with a person 18 or 19 years  
27 of age who the offender knows is committed to the custody of the Department of  
28 Health and Social Services under AS 47.10 or AS 47.12 and the offender is the legal  
29 guardian of the person; or

30 **(3) while employed in the state by a law enforcement agency as a**  
31 **peace officer, or while acting as a peace officer in the state, the offender engages**

1 in sexual contact with a person with reckless disregard that the person is in the  
2 custody or the apparent custody of the offender, or is committed to the custody of  
3 a law enforcement agency.

4 \* **Sec. 6.** AS 11.41.427 is amended by adding a new subsection to read:

5 (c) In this section, "peace officer" has the meaning given in AS 01.10.060.

6 \* **Sec. 7.** AS 11.41.452(d) is amended to read:

7 (d) Except as provided in (e) of this section, online enticement is a class **B** [C]  
8 felony.

9 \* **Sec. 8.** AS 11.41.452(e) is amended to read:

10 (e) Online enticement is a class **A** [B] felony if the defendant was, at the time  
11 of the offense, required to register as a sex offender or child kidnapper under AS 12.63  
12 or a similar law of another jurisdiction.

13 \* **Sec. 9.** AS 11.46.740(a) is amended to read:

14 (a) A person commits the offense of criminal use of a computer if, having no  
15 right to do so or any reasonable ground to believe the person has such a right, the  
16 person knowingly

17 **(1)** accesses, causes to be accessed, or exceeds the person's authorized  
18 access to a computer, computer system, computer program, computer network, or any  
19 part of a computer system or network, and, as a result of or in the course of that  
20 access,

21 **(A)** [(1)] obtains information concerning a person;

22 **(B)** [(2)] introduces false information into a computer,  
23 computer system, computer program, or computer network with the intent to  
24 damage or enhance the data record or the financial reputation of a person;

25 **(C)** [(3)] introduces false information into a computer,  
26 computer system, computer program, or computer network and, with criminal  
27 negligence, damages or enhances the data record or the financial reputation of  
28 a person;

29 **(D)** [(4)] obtains proprietary information of another person;

30 **(E)** [(5)] obtains information that is only available to the public  
31 for a fee;

1 (F) [(6)] introduces instructions, a computer program, or other  
2 information that tampers with, disrupts, disables, or destroys a computer,  
3 computer system, computer program, computer network, or any part of a  
4 computer system or network; or

5 (G) [(7)] encrypts or decrypts data;

6 (2) installs, enables, or uses a keystroke logger or other device or  
7 program that has the ability to record another person's keystrokes or entries on a  
8 computer; or

9 (3) uses a keystroke logger or other device or program to intercept  
10 or record another person's keystrokes or entries on a computer when those  
11 entries are transmitted wirelessly or by other non-wired means.

12 \* **Sec. 10.** AS 11.51.100(a) is amended to read:

13 (a) A person commits the crime of endangering the welfare of a child in the  
14 first degree if, being a parent, guardian, or other person legally charged with the care  
15 of a child under 16 years of age, the person

16 (1) intentionally deserts the child in a place under circumstances  
17 creating a substantial risk of physical injury to the child;

18 (2) leaves the child with another person who is not a parent, guardian,  
19 or lawful custodian of the child knowing that the person **is**

20 (A) [IS] registered or required to register as a sex offender **or**  
21 **child kidnapper** under AS 12.63 or a law or ordinance in another jurisdiction  
22 with similar requirements;

23 (B) [HAS BEEN] charged by complaint, information, or  
24 indictment with a violation of AS 11.41.410 - 11.41.455 or a law or ordinance  
25 in another jurisdiction with similar elements; or

26 (C) [HAS BEEN] charged by complaint, information, or  
27 indictment with an attempt, solicitation, or conspiracy to commit a crime  
28 described in (B) of this paragraph; or

29 (3) leaves the child with another person knowing that the person has  
30 previously physically mistreated or had sexual contact with any child, and the other  
31 person causes physical injury or engages in sexual contact with the child.

1 \* **Sec. 11.** AS 11.61 is amended by adding a new section to read:

2           **Sec. 11.61.116. Sending an explicit image of a minor.** (a) A person commits  
3 the offense of sending an explicit image of a minor if the person, with intent to annoy  
4 or humiliate another person, distributes an electronic photograph or video that depicts  
5 the genitals, anus, or female breast of that other person taken when that person was a  
6 minor under 16 years of age.

7           (b) In this section,

8                   (1) "computer" has the meaning given in AS 11.46.990;

9                   (2) "distributes" means to deliver the image to another person by  
10 sending the image to the other person's computer or telephone;

11                   (3) "Internet" has the meaning given in AS 11.46.710(d).

12           (c) Sending an explicit image of a minor is

13                   (1) a class B misdemeanor if the person distributes the image to  
14 another person;

15                   (2) a class A misdemeanor if the person distributes the image to an  
16 Internet website that is accessible to the public.

17 \* **Sec. 12.** AS 11.61.120(a) is amended to read:

18           (a) A person commits the crime of harassment in the second degree if, with  
19 intent to harass or annoy another person, that person

20                   (1) insults, taunts, or challenges another person in a manner likely to  
21 provoke an immediate violent response;

22                   (2) telephones another and fails to terminate the connection with intent  
23 to impair the ability of that person to place or receive telephone calls;

24                   (3) makes repeated telephone calls at extremely inconvenient hours;

25                   (4) makes an anonymous or obscene telephone call, an obscene  
26 electronic communication, or a telephone call or electronic communication that  
27 threatens physical injury or sexual contact;

28                   (5) subjects another person to offensive physical contact; or

29                   (6) **except as provided in AS 11.61.116,** publishes or distributes  
30 electronic or printed photographs, pictures, or films that show the genitals, anus, or  
31 female breast of the other person or show that person engaged in a sexual act.



1 \* **Sec. 13.** AS 11.76 is amended by adding new sections to read:

2 **Sec. 11.76.113. Misconduct involving confidential information in the first**  
3 **degree.** (a) A person commits the crime of misconduct involving confidential  
4 information in the first degree if the person violates AS 11.76.115 and obtains the  
5 confidential information with the intent to

6 (1) use the confidential information to commit a crime; or

7 (2) obtain a benefit to which the person is not entitled, to injure another  
8 person, or to deprive another person of a benefit.

9 (b) Conviction under this section does not limit a person's ability to obtain  
10 civil relief from another person.

11 (c) Misconduct involving confidential information in the first degree is a class  
12 A misdemeanor.

13 **Sec. 11.76.115. Misconduct involving confidential information in the**  
14 **second degree.** (a) A person commits the crime of misconduct involving confidential  
15 information in the second degree if the person, without legal authority or the consent  
16 of another person, knowingly obtains confidential information about the other person.

17 (b) In this section, "confidential information" includes

18 (1) information that has been classified confidential by law;

19 (2) information encoded on an access device, identification card issued  
20 under AS 18.65.310, or driver's license.

21 (c) Conviction under this section does not limit a person's ability to obtain  
22 civil relief from another person.

23 (d) Misconduct involving confidential information in the second degree is a  
24 class B misdemeanor.

25 \* **Sec. 14.** AS 12.05 is amended by adding a new section to read:

26 **Sec. 12.05.030. Crimes involving minors committed outside state.** In  
27 addition to any other jurisdictional basis expressed or implied in law, a person may be  
28 prosecuted under the laws of this state for conduct occurring outside the state for a  
29 violation of

30 (1) AS 11.41.452 if the other person with whom the defendant  
31 communicated was in the state; or

1 (2) AS 11.61.116 if the minor whose image is published or distributed  
2 was in the state.

3 \* **Sec. 15.** AS 12.10.010(a) is amended to read:

4 (a) Prosecution for the following offenses may be commenced at any time:

5 (1) murder;

6 (2) attempt, solicitation, or conspiracy to commit murder or hindering  
7 the prosecution of murder;

8 (3) felony sexual abuse of a minor;

9 (4) sexual assault that is an unclassified, class A, or class B felony or a  
10 violation of **AS 11.41.425(a)(2) - (4)** [AS 11.41.425(a)(2) OR (3)];

11 (5) a violation of AS 11.41.425, 11.41.427, 11.41.450 - 11.41.458, AS  
12 11.66.110 - 11.66.130, or former AS 11.41.430, when committed against a person  
13 who, at the time of the offense, was under 18 years of age;

14 (6) kidnapping.

15 \* **Sec. 16.** AS 12.25.150(a) is amended to read:

16 (a) A person arrested shall be taken before a judge or magistrate without  
17 unnecessary delay, and in any event within **48** [24] hours after arrest, including  
18 Sundays and holidays. This requirement applies to municipal police officers to the  
19 same extent as it does to state troopers.

20 \* **Sec. 17.** AS 12.55.100(e) is amended to read:

21 (e) In addition to other conditions imposed on the defendant, while on  
22 probation and as a condition of probation

23 (1) for a sex offense, as described in AS 12.63.100, the defendant

24 (A) shall be required to submit to regular periodic polygraph  
25 examinations;

26 (B) may be required to provide each electronic mail address,  
27 instant messaging address, and other Internet communication identifier that the  
28 defendant uses to the defendant's probation officer; the probation officer shall  
29 forward those addresses and identifiers to the Alaska state troopers and to the  
30 local law enforcement agency;

31 (2) if the defendant was convicted of a violation of AS 11.41.434 -

1 11.41.455, AS 11.61.125 - 11.61.128, or a similar offense in another jurisdiction, the  
2 defendant may be required to refrain from

3 (A) using or creating an Internet site;

4 (B) communicating with children under 16 years of age; [OR]

5 (C) possessing or using a computer; or

6 **(D) residing within 500 feet of school grounds; in this**  
7 **subparagraph, "school grounds" has the meaning given in AS 11.71.900.**

8 \* **Sec. 18.** AS 12.55.125(i) is amended to read:

9 (i) A defendant convicted of

10 (1) sexual assault in the first degree, sexual abuse of a minor in the  
11 first degree, or promoting prostitution in the first degree under AS 11.66.110(a)(2)  
12 may be sentenced to a definite term of imprisonment of not more than 99 years and  
13 shall be sentenced to a definite term within the following presumptive ranges, subject  
14 to adjustment as provided in AS 12.55.155 - 12.55.175:

15 (A) if the offense is a first felony conviction, the offense does  
16 not involve circumstances described in (B) of this paragraph, and the victim  
17 was

18 (i) less than 13 years of age, 25 to 35 years;

19 (ii) 13 years of age or older, 20 to 30 years;

20 (B) if the offense is a first felony conviction and the defendant  
21 possessed a firearm, used a dangerous instrument, or caused serious physical  
22 injury during the commission of the offense, 25 to 35 years;

23 (C) if the offense is a second felony conviction and does not  
24 involve circumstances described in (D) of this paragraph, 30 to 40 years;

25 (D) if the offense is a second felony conviction and the  
26 defendant has a prior conviction for a sexual felony, 35 to 45 years;

27 (E) if the offense is a third felony conviction and the defendant  
28 is not subject to sentencing under (F) of this paragraph or (l) of this section, 40  
29 to 60 years;

30 (F) if the offense is a third felony conviction, the defendant is  
31 not subject to sentencing under (l) of this section, and the defendant has two

1 prior convictions for sexual felonies, 99 years;

2 (2) **unlawful exploitation of a minor under AS 11.41.455(c)(2),**  
3 **online enticement of a minor under AS 11.41.452(e), or** attempt, conspiracy, or  
4 solicitation to commit sexual assault in the first degree, sexual abuse of a minor in the  
5 first degree, or promoting prostitution in the first degree under AS 11.66.110(a)(2)  
6 may be sentenced to a definite term of imprisonment of not more than 99 years and  
7 shall be sentenced to a definite term within the following presumptive ranges, subject  
8 to adjustment as provided in AS 12.55.155 - 12.55.175:

9 (A) if the offense is a first felony conviction, the offense does  
10 not involve circumstances described in (B) of this paragraph, and the victim  
11 was

12 (i) under 13 years of age, 20 to 30 years;

13 (ii) 13 years of age or older, 15 to 30 years;

14 (B) if the offense is a first felony conviction and the defendant  
15 possessed a firearm, used a dangerous instrument, or caused serious physical  
16 injury during the commission of the offense, 25 to 35 years;

17 (C) if the offense is a second felony conviction and does not  
18 involve circumstances described in (D) of this paragraph, 25 to 35 years;

19 (D) if the offense is a second felony conviction and the  
20 defendant has a prior conviction for a sexual felony, 30 to 40 years;

21 (E) if the offense is a third felony conviction, the offense does  
22 not involve circumstances described in (F) of this paragraph, and the defendant  
23 is not subject to sentencing under (I) of this section, 35 to 50 years;

24 (F) if the offense is a third felony conviction, the defendant is  
25 not subject to sentencing under (I) of this section, and the defendant has two  
26 prior convictions for sexual felonies, 99 years;

27 (3) sexual assault in the second degree, sexual abuse of a minor in the  
28 second degree, **online enticement of a minor under AS 11.41.452(d),** unlawful  
29 exploitation of a minor **under AS 11.41.455(c)(1),** or distribution of child  
30 pornography **under AS 11.61.125(e)(2)** may be sentenced to a definite term of  
31 imprisonment of not more than 99 years and shall be sentenced to a definite term

1 within the following presumptive ranges, subject to adjustment as provided in AS  
2 12.55.155 - 12.55.175:

3 (A) if the offense is a first felony conviction, five to 15 years;

4 (B) if the offense is a second felony conviction and does not  
5 involve circumstances described in (C) of this paragraph, 10 to 25 years;

6 (C) if the offense is a second felony conviction and the  
7 defendant has a prior conviction for a sexual felony, 15 to 30 years;

8 (D) if the offense is a third felony conviction and does not  
9 involve circumstances described in (E) of this paragraph, 20 to 35 years;

10 (E) if the offense is a third felony conviction and the defendant  
11 has two prior convictions for sexual felonies, 99 years;

12 (4) sexual assault in the third degree, incest, indecent exposure in the  
13 first degree, possession of child pornography, **distribution of child pornography**  
14 **under AS 11.61.125(e)(1)**, or attempt, conspiracy, or solicitation to commit sexual  
15 assault in the second degree, sexual abuse of a minor in the second degree, unlawful  
16 exploitation of a minor, or distribution of child pornography, may be sentenced to a  
17 definite term of imprisonment of not more than 99 years and shall be sentenced to a  
18 definite term within the following presumptive ranges, subject to adjustment as  
19 provided in AS 12.55.155 - 12.55.175:

20 (A) if the offense is a first felony conviction, two to 12 years;

21 (B) if the offense is a second felony conviction and does not  
22 involve circumstances described in (C) of this paragraph, eight to 15 years;

23 (C) if the offense is a second felony conviction and the  
24 defendant has a prior conviction for a sexual felony, 12 to 20 years;

25 (D) if the offense is a third felony conviction and does not  
26 involve circumstances described in (E) of this paragraph, 15 to 25 years;

27 (E) if the offense is a third felony conviction and the defendant  
28 has two prior convictions for sexual felonies, 99 years.

29 \* **Sec. 19.** AS 12.70.130 is amended to read:

30 **Sec. 12.70.130. Arrest without warrant.** The arrest of a person may also be  
31 lawfully made by a peace officer or a private person without a warrant upon

1 reasonable information that the accused stands charged in the courts of another state  
2 with a crime punishable by death or imprisonment for a term exceeding one year, but  
3 when arrested the accused must be taken before a judge or magistrate without  
4 unnecessary delay and, in any event, within **48** [24] hours after arrest, including  
5 Sundays and holidays, and complaint shall be made against the accused under oath  
6 setting out the ground for the arrest as in AS 12.70.120. Thereafter the answer of the  
7 accused shall be heard as if the accused had been arrested on a warrant.

8 \* **Sec. 20.** AS 28.15.131 is amended by adding a new subsection to read:

9 (b) Violation of this section is an infraction.

10 \* **Sec. 21.** AS 28.22.019(c) is amended to read:

11 (c) A person convicted under this section is guilty of **an infraction** [A CLASS  
12 B MISDEMEANOR] and **shall be sentenced to pay a mandatory fine of \$500**  
13 [MAY BE PUNISHED AS PROVIDED IN AS 12.55, EXCEPT THAT A FINE OF  
14 AT LEAST \$500 MUST BE IMPOSED].

15 \* **Sec. 22.** AS 33.05.020(a) is repealed and reenacted to read:

16 (a) The commissioner shall appoint and make available to the superior court,  
17 when ordered under AS 12.55.015(a), a qualified probation officer for the active  
18 supervision of a person placed on probation for a felony offense. The commissioner  
19 may provide active supervision to a person placed on probation for a misdemeanor  
20 offense.

21 \* **Sec. 23.** AS 41.23.220 is amended to read:

22 **Sec. 41.23.220. Penalty.** (a) **Except for conduct that is a violation of AS**  
23 **11.46.420, a** [A] person who violates a provision of AS 41.23.180 - 41.23.230 or a  
24 regulation adopted under AS 41.23.180 - 41.23.230 is guilty of a violation as defined  
25 in AS 11.81.900.

26 (b) **Except for conduct that is a violation of AS 11.46.420, the** [THE]  
27 supreme court shall establish by order or rule a schedule of bail amounts for violations  
28 under (a) of this section that allow the disposition of a citation without a court  
29 appearance.

30 \* **Sec. 24.** AS 44.23.080 is repealed and reenacted to read:

31 **Sec. 44.23.080. Subpoena power of attorney general in cases involving use**

1 **of an Internet service account.** (a) If there is reasonable cause to believe that an  
2 Internet service account has been used in connection with a violation of AS 11.41.452,  
3 11.41.455, or AS 11.61.125 - 11.61.128, and that the identity, address, and other  
4 information about the account owner will assist in obtaining evidence that is relevant  
5 to the offense, a law enforcement officer may apply to the attorney general for an  
6 administrative subpoena to obtain the business records of the Internet service provider  
7 located inside or outside of the state.

8 (b) If an application meets the requirements of (a) of this section, the attorney  
9 general may issue an administrative subpoena to the Internet service provider  
10 requiring the production of the following records:

- 11 (1) the name and other identifying information of the account holder;
- 12 (2) the address and physical location associated with the account;
- 13 (3) a description of the length of service, service start date, and types  
14 of service associated with the account.

15 (c) A subpoena issued under (b) of this section must prescribe a reasonable  
16 time after service for the production of the information.

17 (d) Service of a subpoena issued under (b) of this section may be by any  
18 method authorized by law or acceptable to the Internet service provider. At any time  
19 before the return date specified on the subpoena, the Internet service provider may  
20 petition a court of competent jurisdiction for the judicial district in which the provider  
21 resides or does business for an order modifying or quashing the subpoena or for an  
22 order sealing the court record.

23 (e) If the Internet service provider refuses to obey a subpoena issued under (b)  
24 of this section, the superior court may, upon application of the attorney general, issue  
25 an order requiring the Internet service provider to appear at the office of the attorney  
26 general with the information described in the subpoena.

27 (f) An Internet service provider who knowingly fails to produce the  
28 information required to be produced by the subpoena or court order is guilty of  
29 contempt under AS 09.50.010.

30 (g) Nothing in this section limits the authority of law enforcement from  
31 obtaining process from the court or through a grand jury subpoena to obtain the

1 information described in (b) of this section.

2 (h) A person may not bring a civil action against an Internet service provider,  
3 its officers, employees, agents, or other person for complying with an administrative  
4 subpoena issued under (b) of this section or a court order issued under (e) of this  
5 section.

6 \* **Sec. 25.** The uncodified law of the State of Alaska is amended by adding a new section to  
7 read:

8 DIRECT COURT RULE AMENDMENT. Rule 5(a)(1), Alaska Rules of  
9 Criminal Procedure, is amended to read:

10 (1) Except when the person arrested is issued a citation for a  
11 misdemeanor or a violation and immediately thereafter released, the arrested person  
12 shall be taken before the nearest available judge or magistrate without unnecessary  
13 delay **and in any event within 48 hours after arrest, including Sundays and**  
14 **holidays.** This appearance may be accomplished by the use of telephonic or television  
15 equipment pursuant to Criminal Rules 38.1 and 38.2. [NECESSARY DELAY  
16 WITHIN THE MEANING OF THIS PARAGRAPH (a) IS DEFINED AS A PERIOD  
17 NOT TO EXCEED FORTY-EIGHT HOURS AFTER ARREST, INCLUDING  
18 SUNDAYS AND HOLIDAYS.]

19 \* **Sec. 26.** The uncodified law of the State of Alaska is amended by adding a new section to  
20 read:

21 INDIRECT COURT RULE AMENDMENT. The amendments to AS 41.23.220, made  
22 in sec. 23 of this Act, have the effect of changing Rule 43.10, Alaska Rules of Administration,  
23 by prohibiting the disposition of a violation of AS 11.46.420 without court appearance and  
24 forfeiture of bail amounts.

25 \* **Sec. 27.** The uncodified law of the State of Alaska is amended by adding a new section to  
26 read:

27 REPORT TO THE LEGISLATURE. On or before April 1, 2012, the Department of  
28 Law shall submit a report to the legislature concerning the total number of arraignments that  
29 were heard within 24 hours after a person's arrest and the total number of arraignments that  
30 were heard after 24 hours, but within 48 hours after a person's arrest. The report shall include  
31 this information for cases prosecuted by the State of Alaska. The Department of Corrections



1 and the Alaska Court System shall cooperate with the Department of Law in preparing this  
2 report.

3 \* **Sec. 28.** The uncodified law of the State of Alaska is amended by adding a new section to  
4 read:

5 APPLICABILITY. (a) Sections 16, 19, and 25 of this Act apply to arrests for offenses  
6 committed before, on, or after the effective date of this Act.

7 (b) Sections 1 - 15, 18, 20, 21, 23, and 26 of this Act apply to offenses committed on  
8 or after the effective date of this Act.

9 (c) Sections 22 and 24 of this Act apply to offenses occurring before, on, or after the  
10 effective date of this Act.

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

13 SEVERABILITY. Under AS 01.10.030, if any provision of this Act, or the application  
14 of it to any person or circumstance, is held invalid, the remainder of this Act and the  
15 application to other persons or circumstances is not affected.

16 \* **Sec. 30.** This Act takes effect July 1, 2011.