

CS FOR SENATE BILL NO. 200(JUD)

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-SEVENTH LEGISLATURE - SECOND SESSION

BY THE SENATE JUDICIARY COMMITTEE

Offered: 3/26/12

Referred: Finance

Sponsor(s): SENATOR FRENCH

A BILL

FOR AN ACT ENTITLED

1 **"An Act establishing certain requirements and procedures related to the identification**
2 **of suspects by eyewitnesses to criminal offenses."**

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

4 *** Section 1.** AS 12.50 is amended by adding new sections to read:

5 **Article 4. Identification of Persons by Eyewitnesses.**

6 **Sec. 12.50.300. Eyewitness identification proceedings.** (a) A law
7 enforcement agency conducting eyewitness identification proceedings shall adopt
8 specific procedures for conducting photo and live lineups, including at a minimum, a
9 requirement that

10 (1) before a photo or live lineup, a law enforcement officer shall record
11 as complete a description as possible of the perpetrator provided by the eyewitness, in
12 the eyewitness's own words; the statement must include relevant information
13 regarding the conditions under which the eyewitness observed the perpetrator,
14 including location, time, distance, obstructions, lighting, weather conditions, any

1 impairments relating to the vision of the eyewitness, or other impairments; and

2 (2) an independent administrator shall conduct the lineup; however,
3 when it is impracticable for an independent administrator to conduct a photo or live
4 lineup,

5 (A) a blinded administrator shall conduct the lineup; or

6 (B) the administrator shall use a procedure that achieves neutral
7 administration of the lineup and that consists of simultaneous presentation of
8 the lineup.

9 (b) The admissibility of an eyewitness identification as evidence is not
10 precluded by the failure of an agency to adopt procedures under or to satisfy
11 requirements of (a) of this section.

12 **Sec. 12.50.310. Training of law enforcement officers.** The Department of
13 Public Safety shall create, administer, and conduct a training program for law
14 enforcement officers and recruits in the requirements, methods, technical aspects, and
15 scientific findings related to eyewitness identification proceedings under AS 12.50.300
16 - 12.50.399.

17 **Sec. 12.50.399. Definitions.** For the purposes of AS 12.50.300 - 12.50.399,

18 (1) "administrator" means the person conducting the lineup;

19 (2) "blinded administrator" means an administrator who might know
20 who the suspect is, but does not know which lineup member is being viewed by the
21 eyewitness; "blinded administrator" includes an administrator who conducts a photo
22 lineup through the use of a folder system or substantially similar system;

23 (3) "eyewitness" means a person whose identification by sight of
24 another person may be relevant in a criminal investigation;

25 (4) "independent administrator" means an administrator who is not
26 participating in the investigation of the criminal offense and is unaware of which
27 person in the lineup is the suspect;

28 (5) "law enforcement agency" means a public agency that performs as
29 one of its principal functions an activity relating to crime prevention, control, or
30 reduction or relating to the enforcement of the criminal law; "law enforcement
31 agency" does not include a court;

1 (6) "law enforcement officer" means an employee of a law
2 enforcement agency;

3 (7) "live lineup" means a procedure in which a group of people is
4 displayed to an eyewitness for the purpose of determining if the eyewitness is able to
5 identify the perpetrator of a crime;

6 (8) "photo lineup" means a procedure in which an array of photographs
7 is displayed to an eyewitness for the purpose of determining if the eyewitness is able
8 to identify the perpetrator of a crime;

9 (9) "suspect" means the person believed by law enforcement to be the
10 possible perpetrator of the offense.