

HOUSE BILL NO. 339

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-EIGHTH LEGISLATURE - SECOND SESSION

BY REPRESENTATIVE KAWASAKI

Introduced: 2/24/14

Referred: Judiciary

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 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 a photo lineup or a live lineup. The procedures
9 must require that

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

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

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

6 (A) a blinded administrator conduct the lineup; or

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

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

13 **Sec. 12.50.310. Training of law enforcement officers.** The Department of
14 Public Safety shall create, administer, and conduct a training program for law
15 enforcement officers and recruits in the requirements, methods, technical aspects, and
16 scientific findings related to eyewitness identification proceedings under AS 12.50.300
17 - 12.50.399.

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

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

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

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

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

29 (5) "law enforcement agency" means a public agency that performs as
30 one of its principal functions an activity relating to crime prevention, control, or
31 reduction or relating to the enforcement of the criminal law; "law enforcement

1 agency" does not include a court;

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

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

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

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