

ALASKA STATE HOUSE OF REPRESENTATIVES

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REPRESENTATIVE JOHN COGHILL

HB 140

Jury Nullification

House Bill 140 addresses jury nullification. Representative Coghill is asking the legislature to consider this legislation as an acknowledgement that the jury is the exclusive judge of the facts and may decide that the law is unjustly applied to the defendant.

This legislation enacts provisions in law instructing the court to allow a defendant the right to inform the jury of their right to judge the defendant and to judge the law as it applies to the defendant.

Current jury instructions for Alaskan jurors require them to "accept and follow the law as instructed by the judge even though they may have a different idea about what the law is or ought to be".

HB 140 allows a jury to fully understand their role and exercise their responsibility as a jury. A jury is the only thing standing in the way of a government out of check and inherent rights of citizens being judge by the law. Jury nullification allows citizens to have the final say on what is fair in a court of law.

Indiana, Georgia, and Maryland currently have provisions in their state constitutions guaranteeing jurors the right to "judge" or "determine" the law in all criminal cases.