

ALASKA STATE LEGISLATURE



SENATOR PETER MICCICHE
SENATE DISTRICT O

SB 15 Sponsor Statement

An Act relating to a petition to convene a grand jury; and repealing and reenacting Rule 16(b)(3), Alaska Rules of Criminal Procedure, concerning a prosecuting attorney's duty to disclose favorable information to a defendant in a criminal proceeding.

During this time in Alaska's history as we work to revise statute to ensure the public safety of Alaskans by holding criminals accountable, it may seem like an interesting effort to also ensure justice and fairness for those that may have not had an adequate legal process to prove themselves innocent. Senate Bill 15 provides two processes to ensure that justice is served.

Senate Bill 15 enacts a process by which a grand jury investigation is activated by the public through a well-defined process. Although Alaska's Constitution under Article 1, Section 8 states "The power of grand juries to investigate and make recommendations concerning public welfare or safety shall never be suspended," a process does not currently exist for the public to initiate the process.

Senate Bill 15 also repeals and reenacts Rule 16(b)(3) concerning a prosecuting attorney's duty to disclose favorable information (exculpatory evidence) to a defendant in a criminal proceeding. Perhaps the most famous case of the withholding of exculpatory evidence was during the prosecution of Alaska's US Senator Ted Stevens, where the Senator would have likely been found not guilty had the evidence been presented.

Senate Bill 15 will provide greater protection to the accused to ensure that they receive a fair trial and that exculpatory evidence information will become available when applicable to the outcome of the proceedings.