

Senator Jesse Bjorkman

Alaska State Legislature

Session Address:

Alaska State Capitol, Rm. 427
Juneau, Alaska 99801-1182
Phone: (907) 465-2828
Toll Free: (800) 964-5733



Interim Address:

145 Main Street Loop, Ste. 226
Kenai, Alaska 99611-7771
Phone: (907) 283-7996
Fax: (907) 283-8127

SENATE BILL 270 - GRAND JURIES

"An Act relating to grand juries; amending Rules 5(e), 6, and 6.1, Alaska Rules of Criminal Procedure; repealing Rules 6.1(b)(2) and (3), Alaska Rules of Criminal Procedure; and providing for an effective date."

Sectional Summary – ver. \A

This is a summary only. Note that this summary should not be considered an authoritative interpretation of the bill and the bill itself is the best statement of its contents.

Section 1: Amends AS 09.20.080 to require that a grand jury panel include at least two alternate jurors. The presiding judge must designate the alternate jurors when the grand jury is selected.

Section 2: Amends AS 09.20.090 to require that when a grand jury is impaneled, the court provide written instructions, including relevant state statutes relating to grand juries.

Section 3 Amends AS 12.40.030 to clarify the powers and duties of a grand jury. The section explicitly states that grand juries may:

- initiate investigations,
- investigate crimes,
- issue indictments consistent with AS 12.40.180, and
- make recommendations concerning public welfare or safety.

The section further provides that the grand jury's authority to investigate and make recommendations regarding public welfare or safety may not be limited or suspended.

Section 4: Adds new subsections to AS 12.40.030 establishing procedures for grand jury-initiated investigations.

- An individual grand juror may propose an investigation related to public welfare or safety.
- After a reasonable period of consideration, if a majority of the grand jurors agree, the grand jury must initiate the investigation.
- The section clarifies that matters involving private causes of action or civil claims do not qualify as matters of public welfare or safety.

Section 5: Amends AS 12.40.040 to clarify that if a grand juror knows or believes that a crime has been committed, the juror must disclose that information to

- the other grand jurors for investigation, and
- the prosecuting attorney or presiding judge.

Section 6: Amends AS 12.40.050 to clarify that a grand jury may indict or present a person for a crime based on sufficient evidence whether or not the person has been held to answer for the crime.

The section also provides that a grand jury may direct the prosecutor to prepare an indictment.

Section 7: Amends AS 12.40.070 regarding the duties of a prosecuting attorney before a grand jury. The section requires that the prosecuting attorney:

- present indictments when a defendant has been held to answer a charge,
- may present indictments when the prosecutor believes a crime has been committed,
- must prepare indictments or presentments when required by the grand jury, and
- make arrangements for a citizen to speak with the grand jury under AS 12.40.150.

Section 8: Amends AS 12.40.090 by adding a new subsection establishing that violating grand jury secrecy requirements under subsection (a) is a Class A misdemeanor.

Section 9: Amends AS 12.40.100 to provide that only evidence that would be admissible at trial may be included in an indictment.

Section 10: Adds new sections to AS 12.40 establishing procedures governing grand jury investigations:

AS 12.40.120 – Hearsay Evidence

- Allows all evidence or information to be presented to a grand jury, including hearsay. A witness may summarize admissible evidence if the underlying admissible evidence will be available at trial.
- The prosecutor must inform the grand jury if information may be hearsay or inadmissible at trial.
- Inadmissible information may still be included in a grand jury report.

AS 12.40.130 – Obstructing a Grand Jury

Creates the crime of obstructing a grand jury, which includes intentionally preventing or interfering with a person's cooperation with a grand jury investigation. Establishes that obstructing a grand jury is a class A misdemeanor.

AS 12.40.140 – Prosecutorial Misconduct

Provides procedures when a grand jury investigation involves possible misconduct by the Department of Law or a prosecutor. In such cases, the attorney general must appoint a neutral attorney to assist the grand jury.

AS 12.40.150 – Citizen Investigation Requests

Allows a citizen who is not serving on the grand jury to request that a matter concerning public

welfare or safety be investigated. The prosecuting attorney must arrange for the citizen to speak with the grand jury, which then decides by majority vote whether to investigate.

AS 12.40.160 – Grand Jury Reports

Requires a majority of all grand jurors to approve a grand jury report. The foreperson must sign the report, and reports may include allegations of criminal conduct.

AS 12.40.170 – Subpoena Power

Authorizes a grand jury conducting an investigation into public welfare or safety to issue subpoenas for testimony or documents, subject to majority approval of the grand jurors and consideration of the reasonableness and necessity of the subpoena.

AS 12.40.180 – Due Process

Requires the prosecuting attorney to warn the grand jury if information received may be prejudicial or inadmissible and may jeopardize an indictment. If the grand jury proceeds despite this warning, it may request that any resulting indictment be transferred to another grand jury. The grand jury may continue the investigation and issue a report.

AS 12.40.190 – Replacement Grand Jury

Provides procedures for convening a replacement grand jury to consider an indictment when requested under AS 12.40.180. The court may extend the preliminary examination time limit to 20 days.

AS 12.40.200 – Peace Officer Testimony

Requires a court to dismiss an indictment if inaccurate testimony from a peace officer, caused by intentional or negligent misstatements or omissions, prejudices the defendant's substantial rights.

Section 11: Amends Alaska Criminal Rule 5(e) relating to felony first appearances. The amendment allows additional time for a preliminary examination when a replacement grand jury has been impaneled under AS 12.40.190.

Section 12: Amends Alaska Criminal Rule 6(s) regarding admissibility of evidence before a grand jury. The amendment allows all evidence or information to be presented to the grand jury, rather than limiting evidence to what would be admissible at trial. The section also retains provisions allowing dismissal of an indictment if inaccurate peace-officer testimony prejudices the defendant.

Section 13: Amends Alaska Criminal Rule 6.1(a) to simplify the rule governing grand jury authority to investigate matters concerning public welfare or safety. The amendment removes detailed criteria defining such matters and affirms the grand jury's constitutional authority to investigate and issue reports and recommendations.

Section 14: Repeals Criminal Rule 6.1(b)(2) and (3), removing provisions governing procedures for investigative grand juries.

Section 15: Provides that Sections 1–10 indirectly amend Criminal Rules 6 and 6.1 because they alter procedures governing grand jury authority, duties, and evidentiary standards.

Section 16: Establishes applicability provisions, specifying when the new statutes and rule amendments apply to offenses and indictments.

Section 17: Provides that the court rule changes in the bill take effect only if approved by a two-thirds vote of each house of the legislature, as required by Article IV, Section 15 of the Alaska Constitution.

Section 18: Provides an effective date of July 1, 2026.