

AMENDMENT # d

OFFERED IN THE HOUSE
TO: HB 67

BY REPRESENTATIVE VANCE

- 1 Page 1, line 5:
 - 2 Delete "6(r)"
 - 3 Insert "6(s)"
 - 4
- 5 Page 1, line 8, through page 2, line 6:
 - 6 Delete all material.
 - 7
- 8 Page 2, line 7:
 - 9 Delete "Sec. 2"
 - 10 Insert "Section 1"
 - 11
- 12 Renumber the following bill sections accordingly.
- 13
- 14 Page 11, line 8, through page 12, line 28:
 - 15 Delete all material and insert:
 - 16 **** Sec. 11. The uncodified law of the State of Alaska is amended by adding a new section to**
 - 17 **read:**
 - 18 **DIRECT COURT RULE AMENDMENT. Rule 6(s), Alaska Rules of Criminal**
 - 19 **Procedure, is amended to read:**
 - 20 **(s) Admissibility of Evidence.**
 - 21 **(1) Evidence which would be legally admissible at trial shall be**
 - 22 **admissible before the grand jury. In appropriate cases, however, witnesses may be**
 - 23 **presented to summarize admissible evidence if the admissible evidence will be**

1 available at trial. Except as stated in subparagraphs (2), (3), and (6), hearsay evidence
2 shall not be presented to the grand jury absent compelling justification for its
3 introduction. If hearsay evidence is presented to the grand jury, the reasons for its use
4 shall be stated on the record.

5 (2) In a prosecution for an offense under AS 11.41 [AS 11.41.410 -
6 11.41.458], hearsay evidence of a statement related to the offense, not otherwise
7 admissible, made by a [CHILD WHO IS THE] victim of or witness to the offense
8 may be admitted into evidence before the grand jury if

9 (i) the circumstances of the statement indicate its
10 reliability; and

11 (ii) [THE CHILD IS UNDER 10 YEARS OF AGE
12 WHEN THE HEARSAY EVIDENCE IS SOUGHT TO BE
13 ADMITTED;

14 (iii) ADDITIONAL EVIDENCE IS INTRODUCED
15 TO CORROBORATE THE STATEMENT; AND

16 (iv)] the victim or witness [CHILD] testifies at the
17 grand jury proceeding or [THE CHILD] will be available to testify at
18 trial.

19 (3) Hearsay evidence related to the offense, not otherwise admissible,
20 may be admitted into evidence before the grand jury if

21 (i) the individual presenting the hearsay evidence is a
22 peace officer involved in the investigation; and

23 (ii) the hearsay evidence consists of the statement and
24 observations made by another peace officer in the course of an
25 investigation; and

26 (iii) additional evidence is introduced to corroborate the
27 statement.

28 (4) If the testimony presented by a peace officer under paragraph (3) of
29 this section is inaccurate because of intentional, grossly negligent, or negligent
30 misstatements or omissions, then the court shall dismiss an indictment resulting from
31 the testimony if the defendant shows that the inaccuracy prejudices substantial rights

1 of the defendant.

2 (5) In this section "statement" means an oral or written assertion or
3 nonverbal conduct if the nonverbal conduct is intended as an assertion.

4 (6) When a prior conviction is an element of an offense, hearsay
5 evidence received through the Alaska Public Safety Information Network or from
6 other government agencies of prior convictions may be presented to the grand jury."

7

8 Page 13, line 1:

9 Delete "sec. 2"

10 Insert "sec. 1"

11

12 Page 13, line 2:

13 Delete "sec. 3"

14 Insert "sec. 2"

15

16 Page 13, lines 2 - 3:

17 Delete "sec. 9"

18 Insert "sec. 8"

19

20 Page 13, line 5:

21 Delete "sec. 4"

22 Insert "sec. 3"

23 Delete "sec. 5"

24 Insert "sec. 4"

25

26 Page 13, line 6:

27 Delete "sec. 6"

28 Insert "sec. 5"

29

30 Page 13, line 9:

31 Delete "sec. 7"

1 Insert "sec. 6"

2

3 Page 13, line 13:

4 Delete "sec. 7"

5 Insert "sec. 6"

6

7 Page 13, line 16:

8 Delete "sec. 8"

9 Insert "sec. 7"

10

11 Page 13, line 18:

12 Delete "6(r)"

13 Insert "6(s)"

14 Delete "sec. 12"

15 Insert "sec. 11"

16

17 Page 13, line 23:

18 Delete "6(r)"

19 Insert "6(s)"

20

21 Page 13, line 24:

22 Delete "sec. 12" in both places

23 Insert "sec. 11" in both places

