

AMENDMENT # 2

OFFERED IN THE HOUSE

BY REPRESENTATIVE VANCE

TO: HB 67

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

