

**IN THE SUPREME COURT OF THE STATE OF ALASKA**  
**ORDER NO. 2000**

Amending Criminal Rule 6.1  
concerning grand jury.

**IT IS ORDERED:**

Criminal Rule 6.1 is amended to read as follows:

**Rule 6.1. Grand Jury Reports – Public Welfare or Safety.**

\* \* \* \*

**(e) Subpoenas; Evidence; Proceedings.**

(1) While conducting an investigation and preparing a report concerning the public welfare or safety as described in this rule, a grand jury may issue a subpoena to compel testimony from witnesses or to compel the production of documents only with the approval of a majority of the grand jurors, after due consideration of the reasonableness of the proposed subpoena, the necessity of the anticipated testimony or documents, and the anticipated burden on and inconvenience to the recipient of the subpoena. If the prosecuting attorney reasonably believes that a subpoena approved by a majority of grand jurors was not approved in good faith, would be unreasonably burdensome on the recipient, is not reasonable, or is not necessary, the prosecutor may, without consent from or authorization by the grand jury, inform the superior court and seek a judicial determination whether the subpoena shall issue.

(2) The presentation and admissibility of evidence during an investigative grand jury must comply with Criminal Rule 6(s).

~~(3) — A grand jury fulfilling an investigative function on a particular matter under this rule may not also issue any indictment related to the same facts and circumstances that were the subject of that grand jury's investigation.~~

(f) **Initial Judicial Review.** \* \* \* \*

\* \* \* \*

(h) **Release of Report.**

(1) The court shall withhold publication of the report until the expiration of the time for making a motion for a hearing under paragraph (g). If such a motion is made, publication must be withheld pending a ruling on the motion or pending any review under paragraph (i). All proceedings under this rule are confidential until the judge orders the report released.

(2) If the judge finds that the standards of paragraphs (f) and (g) are met, the judge shall order the report released. The judge may order that a response to the report by a person named or otherwise identified, or other additional materials, be attached to the report as an appendix. The report and any appendices will be filed with the clerk of the court and made available for public inspection. The court shall also direct that copies of the report and any appendices be sent to other persons as reasonably requested by the grand jury.

~~(3) if the report includes allegations of criminal conduct, the prosecuting attorney may decide to pursue an indictment or other charge based on the allegations in the report and on any other evidence the prosecuting attorney deems appropriate. If the prosecuting attorney intends to pursue an indictment, the prosecuting attorney shall inform the court, but the prosecuting attorney may not pursue an indictment related to the same facts~~

~~and circumstances that were the subject of a grand jury's investigation with the same grand jury panel.~~ The court may withhold publication of the report for a reasonable time, if the court determines that withholding the publication of the report is necessary to preserve the investigative and prosecutorial function relating to the alleged criminal conduct.

\* \* \* \*

DATED: January 31, 2023

EFFECTIVE DATE: February 6, 2023

/s/  
Chief Justice Winfree

/s/  
Justice Maassen

/s/  
Justice Carney

/s/  
Justice Borghesan

/s/  
Justice Henderson