

AMENDMENT

OFFERED IN THE SENATE

BY SENATOR KIEHL

TO: SCS CSHB 66(JUD), Draft Version "Y"

Page 1, lines 8 - 9:

Delete "**Rule 6(s)**"

Insert "**Rule 6(s)(2)**"

Page 1, line 11, through page 2, line 12:

Delete all material.

Page 2, line 13:

Delete "**Sec. 2**"

Insert "**Section 1**"

Renumber the following bill sections accordingly.

Page 9, following line 21:

Insert a new bill section to read:

"* **Sec. 14.** AS 12.40.110(a) is amended to read:

(a) In a prosecution for an offense under AS 11.41.410 - 11.41.458, hearsay evidence of a statement related to the offense, not otherwise admissible, made by a child who is the victim of the offense may be admitted into evidence before the grand jury if

(1) the circumstances of the statement indicate its reliability;

(2) the child is under **16** [10] years of age when the hearsay evidence is sought to be admitted;

1 (3) additional evidence is introduced to corroborate the statement; and
 2 (4) the child testifies at the grand jury proceeding or the child will be
 3 available to testify at trial."

4
 5 Renumber the following bill sections accordingly.

6
 7 Page 36, line 13, through page 38, line 5:

8 Delete all material and insert:

9 "DIRECT COURT RULE AMENDMENT. Rule 6(s)(2), Alaska Rules of
 10 Criminal Procedure, is amended to read:

11 (2) In a prosecution for an offense under AS 11.41.410 - 11.41.458,
 12 hearsay evidence of a statement related to the offense, not otherwise admissible, made
 13 by a child who is the victim of the offense may be admitted into evidence before the
 14 grand jury if

15 (i) the circumstances of the statement indicate its
 16 reliability;

17 (ii) the child is under **16** [10] years of age when the
 18 hearsay evidence is sought to be admitted;

19 (iii) additional evidence is introduced to corroborate the
 20 statement; and

21 (iv) the child testifies at the grand jury proceeding or
 22 the child will be available to testify at trial."

23
 24 Renumber the following bill sections accordingly.

25
 26 Page 38, line 8:

27 Delete "sec. 2"

28 Insert "sec. 1"

29
 30 Page 38, line 9:

31 Delete "sec. 3"

1 Insert "sec. 2"
2 Delete "sec. 4"
3 Insert "sec. 3"
4
5 Page 38, line 10:
6 Delete "sec. 5"
7 Insert "sec. 4"
8
9 Page 38, line 11:
10 Delete "sec. 11"
11 Insert "sec. 10"
12 Delete "sec. 12"
13 Insert "sec. 11"
14
15 Page 38, line 12:
16 Delete "sec. 13"
17 Insert "sec. 12"
18
19 Page 38, line 14:
20 Delete "secs. 2 - 5, 11 - 13, and 29"
21 Insert "secs. 1 - 4, 10 - 12, and 29"
22
23 Page 38, line 30:
24 Delete "Rule 6(s)"
25 Insert "AS 12.40.110(a), as amended by sec. 14 of this Act, and Rule 6(s)(2)"
26 Delete "sec. 46"
27 Insert "secs. 14 and 46"
28
29 Page 38, line 31:
30 Delete "applies"
31 Insert "apply"

1 Delete "sec. 46"
2 Insert "secs. 14 and 46"
3
4 Page 39, line 1:
5 Delete "sec. 46"
6 Insert "secs. 14 and 46"
7
8 Page 39, line 4:
9 Delete "Rule 6(s)"
10 Insert "Rule 6(s)(2)"
11
12 Page 39, line 8:
13 Delete "sec. 50"
14 Insert "sec. 49"