

By Rep. Ramirez

AMENDMENT

OFFERED IN THE HOUSE

TO: CSHB 9(), Draft Version "E"

1 Page 1, line 4, following the first occurrence of "Rules":

2 Insert "16,"

3

4 Page 17, following line 29:

5 Insert new material to read:

6 "Sec. 12.58.070. Discovery. (a) Except as provided in (b) of this section, Rule
7 16, Alaska Rules of Criminal Procedure, applies to discovery in the penalty phase of a
8 capital felony prosecution if the prosecution is seeking the death penalty.

9 (b) Thirty days before the guilt phase of a capital felony case is scheduled to
10 begin, the prosecution and the defense shall provide to the opposing party a list of
11 witnesses, other than expert witnesses, that the party is likely to call at the penalty
12 phase if the defendant is found guilty of a charge that is the foundation for the death
13 penalty. In addition to the witness lists, the parties shall include the witnesses' written
14 or recorded statements, a summary of any other statements, and a summary of the
15 testimony the witness will provide the court.

16 (c) Nothing in this section affects discovery related to expert witnesses under
17 Rule 16, Alaska Rules of Criminal Procedure."

18

19 Page 22, following line 28:

20 Insert a new subsection to read:

21 "(c) AS 12.58.070, added by sec. 21 of this Act, has the effect of modifying Rule 16,
22 Alaska Rules of Criminal Procedure, by providing for the exchange of the names of
23 witnesses, their written or recorded statements, and summaries of their testimony by the

- 1 prosecution and defense for the penalty phase of a capital felony death penalty prosecution."
- 2
- 3 Reletter the following subsection accordingly.