

AMENDMENT

OFFERED IN THE HOUSE

BY REPRESENTATIVE RAMRAS

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

1 Page 13, line 21, following "court.":

2 Insert "The attorney general may not elect to seek the death penalty under this section
3 unless the state is prepared to present to the jury at trial

4 (1) biological evidence or deoxyribonucleic acid evidence that links
5 the defendant to the act of murder;

6 (2) a videotaped voluntary confession by the defendant to the murder;

7 or

8 (3) a video recording that conclusively links the defendant to the
9 murder."

10

11 Page 14, line 13:

12 Delete "and"

13

14 Page 14, following line 13:

15 Insert a new paragraph to read:

16 "(3) that the state presented

17 (A) biological evidence or deoxyribonucleic acid evidence that
18 links the defendant to the act of murder;

19 (B) a videotaped voluntary confession by the defendant to the
20 murder; or

21 (C) a video recording that conclusively links the defendant to
22 the murder;"

23

1 Renumber the following paragraph accordingly.

2

3 Page 14, line 29:

4 Delete "and"

5

6 Page 14, following line 29:

7 Insert a new paragraph to read:

8 "(3) that the state presented

9 (A) biological evidence or deoxyribonucleic acid evidence that
10 links the defendant to the act of murder;

11 (B) a videotaped voluntary confession by the defendant to the
12 murder; or

13 (C) a video recording that conclusively links the defendant to
14 the murder;"

15

16 Renumber the following paragraph accordingly.

Rep. Ramras

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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 23, following line 1:

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."

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- 1 Page 15, line 11, following "fire fighter,":
- 2 Insert "emergency medical technician, paramedic, ambulance attendant,"