

AMENDMENT #8

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OFFERED IN THE SENATE

TO: SCS CSHB 66(FIN), Draft Version "T"

- 1 Page 1, line 1, following "Act":
- 2 Insert "**relating to criminal law and procedure;**"

AMENDMENT #9

OFFERED IN THE SENATE

BY SENATOR KIEHL

TO: SCS CSHB 66(FIN), Draft Version "T"

1 Page 38, line 2, through page 39, line 26:

2 Delete all material and insert:

3 **** Sec. 49.** The uncodified law of the State of Alaska is amended by adding a new section to
4 read:

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

7 (s) **Admissibility of Evidence.**

8 (1) Evidence which would be legally admissible at trial shall be
9 admissible before the grand jury. Witnesses [IN APPROPRIATE CASES,
10 HOWEVER, WITNESSES] may be presented to summarize admissible evidence if
11 the admissible evidence will be available at trial. [EXCEPT AS STATED IN
12 SUBPARAGRAPHS (2), (3), AND (6), HEARSAY EVIDENCE SHALL NOT BE
13 PRESENTED TO THE GRAND JURY ABSENT COMPELLING JUSTIFICATION
14 FOR ITS INTRODUCTION. IF HEARSAY EVIDENCE IS PRESENTED TO THE
15 GRAND JURY, THE REASONS FOR ITS USE SHALL BE STATED ON THE
16 RECORD.]

17 (2) [IN A PROSECUTION FOR AN OFFENSE UNDER
18 AS 11.41.410 - 11.41.458, HEARSAY EVIDENCE OF A STATEMENT RELATED
19 TO THE OFFENSE, NOT OTHERWISE ADMISSIBLE, MADE BY A CHILD
20 WHO IS THE VICTIM OF THE OFFENSE MAY BE ADMITTED INTO
21 EVIDENCE BEFORE THE GRAND JURY IF

22 (i) THE CIRCUMSTANCES OF THE STATEMENT
23 INDICATE ITS RELIABILITY;

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(ii) THE CHILD IS UNDER 10 YEARS OF AGE WHEN THE HEARSAY EVIDENCE IS SOUGHT TO BE ADMITTED;

(iii) ADDITIONAL EVIDENCE IS INTRODUCED TO CORROBORATE THE STATEMENT; AND

(iv) THE CHILD TESTIFIES AT THE GRAND JURY PROCEEDING OR THE CHILD WILL BE AVAILABLE TO TESTIFY AT TRIAL.

(3)] Hearsay evidence related to the offense, not otherwise admissible, may be admitted into evidence before the grand jury if

[(i)] the individual presenting the hearsay evidence is a peace officer involved in the investigation [; AND

(ii) THE HEARSAY EVIDENCE CONSISTS OF THE STATEMENT AND OBSERVATIONS MADE BY ANOTHER PEACE OFFICER IN THE COURSE OF AN INVESTIGATION; AND

(iii) ADDITIONAL EVIDENCE IS INTRODUCED TO CORROBORATE THE STATEMENT].

(4) If the testimony presented by a peace officer under paragraph (2) [(3)] of this section is inaccurate because of intentional, grossly negligent, or negligent misstatements or omissions, then the court shall dismiss an indictment resulting from the testimony if the defendant shows that the inaccuracy prejudices substantial rights of the defendant.

(5) [IN THIS SECTION "STATEMENT" MEANS AN ORAL OR WRITTEN ASSERTION OR NONVERBAL CONDUCT IF THE NONVERBAL CONDUCT IS INTENDED AS AN ASSERTION.

(6)] When a prior conviction is an element of an offense, hearsay evidence received through the Alaska Public Safety Information Network or from other government agencies of prior convictions may be presented to the grand jury."

AMENDMENT #10

Hoffman

OFFERED IN THE SENATE

TO: SCS CSHB 66(FIN), Draft Version "T"

1 Page 1, line 8, following "**proceedings;**":

2 Insert "**relating to the duties of the Department of Corrections;**"

3

4 Page 2, following line 12:

5 Insert a new subsection to read:

6 "(d) The legislature further finds that 14 percent of the state's general population is
7 Alaska Native, yet 40 percent of the Department of Corrections' inmate population is Alaska
8 Native. The Alaska Native prison population is triple its representation in the general
9 population, indicating a general failure in efforts to prevent first encounters with the criminal
10 justice system and the lack of support required to prevent recidivism."

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12 Page 39, following line 27:

13 Insert a new bill section to read:

14 "*** Sec. 51.** The uncodified law of the State of Alaska is amended by adding a new section to
15 read:

16 INVESTIGATION AND RECOMMENDATIONS. (a) The Department of
17 Corrections shall contract with a statewide Alaska Native organization whose membership
18 consists of villages, Alaska Native corporations, and tribal consortiums to conduct a study on
19 the reasons Alaska Natives make up 40 percent of the state's prison population, yet make up
20 just 14 percent of the general population. The contract shall require outreach to federal, state,
21 local, and tribal governments, and private stakeholders to inform the study and make
22 recommendations.

23 (b) The Department of Corrections and the contractor shall present to the governor

1 and the legislature not later than the first day of the First Regular Session of the Thirty-Fourth
2 Alaska State Legislature findings and recommendations for specific actions that can be taken
3 to reduce initial encounters with the prison system and recidivism rates following the release
4 of Alaska Native prisoners. The recommendations may include ways that Alaska Native
5 entities that are primarily federally funded can

6 (1) establish restorative justice programs to address the unique cultural needs
7 of Alaska Native people;

8 (2) intervene earlier with at-risk Alaska Native youth and young adults to
9 ensure those at-risk youth and young adults have the life skills and support systems necessary
10 to prevent encounters with the criminal justice system;

11 (3) reduce the Alaska Native prison population by providing early mental
12 health diagnosis and better treatment;

13 (4) provide Indian housing options to reduce the Alaska Native homeless
14 population that are more likely to encounter law enforcement when living on the street;

15 (5) improve alcohol and drug misuse treatment options for Alaska Native
16 youth and young adults;

17 (6) provide job training and mentoring opportunities to earn a living and
18 provide food, housing, and other family necessities for Alaska Native residents and families;

19 (7) offer digital training to Alaska Native residents to access tribal, state, and
20 federal services, obtain digital employment, participate in remote counseling services to
21 address alcohol and drug abuse, and participate in job training and education; and

22 (8) identify federal grant programs at the Department of Justice, the
23 Department of Health and Human Services, including the Indian Health Service and
24 Substance Abuse and Mental Health Services Administration, the Department of the Interior,
25 the Department of Labor, and other federal agencies that could be used to fund
26 implementation of the recommendations, with a particular emphasis on juveniles and young
27 adults."

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29 Renumber the following bill sections accordingly.

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31 Page 41, line 1:

- 1 Delete "sec. 53"
- 2 Insert "sec. 54"

AMENDMENT

Amendment 11

Hoffman

OFFERED IN THE SENATE

TO: SCS CSHB 66(FIN), Draft Version "T"

1 Page 1, line 8, following "proceedings;":

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9 ensure those at-risk youth and young adults have the life skills and support systems necessary
10 to prevent encounters with the criminal justice system;

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12 health diagnosis and better treatment;

13 (4) provide low-income housing options to reduce the Alaska Native homeless
14 population that are more likely to encounter law enforcement when living on the street;

15 (5) improve alcohol and drug misuse treatment options for Alaska Native
16 youth and young adults;

17 (6) provide job training and mentoring opportunities to earn a living and
18 provide food, housing, and other family necessities for Alaska Native residents and families;

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