Be it enacted by the Legislature of the State of Alaska:

Section 1. a. In any criminal prosecution brought by the State of Alaska, no statement or report in the possession of the state which was made by a government witness or prospective government witness (other than the defendant) to an agent of the government shall be the subject of subpoena, discovery, or inspection until said witness has testified on direct examination in the trial of the case.

b. After a witness called by the state has testified on direct examination, the court shall, on motion of the defendant, order the state to produce any statement (as hereinafter defined) of the witness in the possession of the state which relates to the subject matter as to which the witness has testified. If the entire contents of any such statement relate to the subject matter of the testimony of the witness, the court shall order it to be delivered directly to the defendant for his examination and use.

c. If the state claims that any statement ordered to be produced under this section contains matter which does not relate to the subject matter of the testimony of the witness, the court shall order the state to deliver such statement for the inspection of the court in camera. Upon delivery the court shall excise the portions of such statement which do not relate to the subject matter of the testimony of the witness. With such material excised, the court shall then direct delivery of such statement to the defendant for his use. If, pursuant to such procedure, any portion of such statement is withheld from the defendant and the defendant objects to such withholding, and the trial is continued to an adjudication of the guilt of the defendant, the entire text of such statement shall be preserved by the state and, in the event the defendant appeals, shall be made available to the appellate court for the purpose of determining the correctness of the ruling of the trial judge. Whenever any statement is delivered to a defendant pursuant to this section, the court in its discretion, upon application of said defendant, may recess proceedings in the trial for such time as it may determine to be reasonably required for the examination of such statement by said defendant and his preparation for its use in the trial.

d. If the state elects not to comply with an order of the court under paragraph b. or c. hereof to deliver to the defendant any such statement, or such portion thereof as the court may direct, the court shall strike from the record the testimony of the witness, and the trial shall proceed unless the court in its discretion shall determine that the interests of justice require that a mistrial be declared.

e. The term "statement," as used in paragraphs b., c., and d. of this section in relation to any witness called by the state, means:

(1) a written statement made by said witness and signed or otherwise adopted or approved by him; or

(2) a stenographic, mechanical, electrical, or other recording, or a transcription thereof, which is a substantially verbatim recital of an oral statement made by said witness to an agent of the government and recorded contemporaneously with the making of such oral statement.

Approved April 11, 1960

CHAPTER 104

AN ACT

Relating to mental incompetency after arrest and before sentence, or expiration of probation, providing for a procedure upon finding of mental incompetency; and providing for an effective date.

(S.B. 257)

Be it enacted by the Legislature of the State of Alaska:

Section 1. Whenever after arrest and prior to the imposition of sentence or

prior to the expiration of any period of probation the Attorney General or the District Attorney has reasonable cause to believe that a person charged with an offense against the State of Alaska may be presently insane or otherwise so mentally incompetent as to be unable to understand the proceedings against him or properly to assist in his own defense, he shall file a motion for a judicial determination of such mental competency of the accused, setting forth the ground for such belief with the trial court in which proceedings are pending. Upon such a motion or upon a similar motion in behalf of the accused, or upon its own motion, the court shall cause the accused, whether or not previously admitted to bail, to be examined as to his mental condition by at least one qualified psychiatrist, who shall report to the court. For the purpose of the examination the court may order the accused committed for such reasonable period as the court may determine to a suitable hospital or other facility to be designated by the court. If the report of the psychiatrist indicates a state of present insanity or such mental incompetency in the accused, the court shall hold a hearing, upon due notice, at which evidence as to the mental condition of the accused may be submitted, including that of the reporting psychiatrist, and make a finding with respect thereto. No statement made by the accused in the course of any examination into his sanity or mental competency provided for by this section, whether the examination shall be with or without the consent of the accused, shall be admitted in evidence against the accused on the issue of guilt in any criminal proceeding. A finding by the judge that the accused is mentally competent to stand trial shall in no way prejudice the accused in a plea of insanity as a defense to the crime charged; such finding shall not be introduced in evidence on that issue nor otherwise be brought to the notice of the jury.

Sec. 2. Whenever the trial court shall determine in accordance with Section 1 of this Act that an accused is or was mentally incompetent, the court may commit the accused to the custody of the Commissioner of Health and Welfare or his authorized representative, until the accused shall be mentally competent to stand trial or until the pending charges against him are disposed of according to law.

Sec. 3. This Act takes effect on the day after its passage and approval or on the day it becomes law without such approval.

Approved April 11, 1960

CHAPTER 105

AN ACT

Providing for a probation system; amending Sec. 66-16-31, ACLA 1949, as repealed and re-enacted by Sec. 1, Ch. 195, SLA 1955 and as amended by Sec. 1, Ch. 37, SLA 1957; and providing for an effective date.

(C.S.H.B. 318)

Be it enacted by the Legislature of the State of Alaska:

Section 1. **Definitions.** When used in this Act, unless the context otherwise requires:

(a) "Probation" is a procedure under which a defendant, found guilty of a crime upon verdict or plea, is released by the Superior Court subject to conditions imposed by the court and subject to the supervision of the probation service as hereinafter provided.

(b) "Commissioner" means the Commissioner of the Department of Health and Welfare of the State of Alaska, or his designee.

Sec. 2. **Duties of the Commissioner.** The Commissioner, in addition to other duties imposed by law, shall be charged as follows with those duties and responsibilities necessary to the administration of a probation system and the enforcement of the probation laws in the Superior Court.