

STATE OF ALASKA
SENATE

1985

First Special Session

Source

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Senate

Resolve No.

4



Requesting Judicial Council recommendations on grand jury investigative procedures.

BE IT RESOLVED BY THE SENATE:

WHEREAS Section 9 of Article IV of the Constitution of the State of Alaska provides:

The judicial council shall conduct studies for improvement of the administration of justice, and make reports and recommendations to the supreme court and to the legislature at intervals of not more than two years. The judicial council shall perform other duties assigned by law; and

WHEREAS Section 8 of Article I of the Constitution of the State of Alaska provides in relevant part:

The power of grand juries to investigate and make recommendations concerning the public welfare or safety shall never be suspended; and

WHEREAS the strengthening of the grand jury procedures is vital as both a sword and a shield since as a sword it is the terror of criminals and as a shield it is the protection of the innocent against unjust prosecution; and

WHEREAS the federal government and many states have defined investigative powers and procedures of grand juries; and

WHEREAS under the constitutional mandate the Judicial Council is the appropriate body to study the investigative power of the grand jury and make recommendations to the supreme court and the legislature concerning procedures involved in use of that

power;

BE IT RESOLVED that the Senate respectfully requests the Judicial Council to study use of the power of the grand jury to investigate and make recommendations and that the council make recommendations to the supreme court and the legislature to assure effective and proper use of that power with effective safeguards to prevent abuse and assure basic fairness; and be it

FURTHER RESOLVED that the Senate respectfully requests the Judicial Council to consider a possible amendment to the State Constitution for presentation to the voters for ratification concerning the need to strengthen the grand jury system consistent with due process and standards established through publications including but not limited to materials published by the National Institute of Justice, United States Department of Justice, Grand Jury Reform: A Review of Key Issues, 1983.