

**HOUSE BILL NO. 349**

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-THIRD LEGISLATURE - SECOND SESSION

BY REPRESENTATIVES SAMUELS, MCGUIRE, STOLTZE, AND DAHLSTROM, Wilson

Introduced: 1/12/04

Referred: Judiciary

**A BILL**

**FOR AN ACT ENTITLED**

1 **"An Act amending Rule 412, Alaska Rules of Evidence."**

2 **BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:**

3 \* **Section 1.** The uncodified law of the State of Alaska is amended by adding a new section  
4 to read:

5 DIRECT COURT RULE AMENDMENT. Rule 412, Alaska Rules of  
6 Evidence, is amended to read:

7 **Rule 412. Evidence Illegally Obtained.** Evidence illegally obtained shall not  
8 be used over proper objection by the defendant in a criminal prosecution for any  
9 purpose except:

10 (1) a statement illegally obtained in violation of the right to warnings  
11 under *Miranda v. Arizona*, 384 U.S. 436 (1966), may be used in

12 (A) a prosecution for perjury if the statement is relevant to the  
13 issue of guilt or innocence and if the prosecution shows that the statement was  
14 otherwise voluntary and not coerced; **or**

15 **(B) any prosecution to impeach the person who made the**

1 **statement if the prosecution shows that the statement was otherwise**  
2 **voluntary and not coerced;** and

3 (2) other evidence illegally obtained may be admitted in

4 **(A)** a prosecution for perjury if it is relevant to issue of guilt or  
5 innocence and if the prosecution shows that the evidence was not obtained in  
6 substantial violation of rights **of the defendant; or**

7 **(B) any prosecution to impeach a witness if the prosecution**  
8 **shows that the evidence was not obtained in substantial violation of rights**  
9 **of the witness.**