

1 IN THE HOUSE

BY MR. MCNABB

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HOUSE BILL NO. 218

3

IN THE LEGISLATURE OF THE TERRITORY OF ALASKA

4

TWENTY-THIRD SESSION

5

A BILL

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For an Act entitled: "An Act relating to impeachment of defen-

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dants in criminal cases; amending Section

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66-13-53 ACLA 1949."

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BE IT ENACTED BY THE LEGISLATURE OF THE TERRITORY OF ALASKA:

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Section 1. Sec. 66-13-53 ACLA 1949 is hereby amended to

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read as follows:

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Sec. 66-13-53. DEFENDANT AS WITNESS; PRESUMPTION

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FROM WAIVER OF RIGHT: CROSS-EXAMINATION: [.] IMPEACH-

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MENT.

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(1) That in the trial of or examination upon

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all indictments, complaints, information, and other pro-

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ceedings before any court, magistrate, jury, or other

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tribunal, against persons accused or charged with the

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commission of crimes or offenses, the person so charged

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or accused shall, at his own request, but not otherwise,

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be deemed a competent witness, the credit to be given to

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his testimony being left solely to the jury, under the

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instructions of the court, or to the discrimination of

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the magistrate, or other tribunal before which such

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testimony may be given: Provided, That his waiver of

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such right shall not create any presumption against him;

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that such defendant or accused, when offering his testi-

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mony as a witness in his own behalf, shall be deemed to

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have given to the prosecution a right to cross-examination.

1 (2) A defendant in a criminal matter may be
2 impeached by contradictory evidence and, subject to the
3 provisions of Sec. 58-4-62, ACLA 1949, by evidence that
4 he has made at other times statements inconsistent with
5 his present testimony. In the event the reputation for
6 truth or moral character of a defendant is placed in
7 issue by reliance thereon as a defense, the witness may
8 be impeached by evidence that his general reputation
9 for truth is bad, or that his moral character is such
10 as to render him unworthy of belief, but not by evi-
11 dence of particular wrongful acts; provided, however, that
12 in such event the fact that the defendant has been
13 previously convicted of a felony, but not the nature
14 or circumstances thereof, may be shown by examination
15 of the witness, and in the event of the denial by the
16 witness of such conviction, a certified copy of the
17 record of judgment of conviction may be introduced.
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