

1 IN THE SENATE BY SENATOR ZIEGLER

2 SENATE BILL NO. 59

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 FOURTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act relating to production of statement  
7 of prosecution witness in preliminary  
8 hearing."

9 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

10 \* Section 1. AS 12.45.050 is amended to read:

11 Sec. 12.45.050. ✓ LIMITATION ON DISCOVERY OF STATEMENT  
12 OF PROSECUTION WITNESS. In a criminal prosecution, no state-  
13 ment or report in the possession of the state which was made  
14 by a prosecution witness or prospective prosecution witness  
15 (other than the defendant) to an agent of the state may be  
16 the subject of subpoena, discovery, or inspection until the  
17 witness has testified on direct examination at the prelimin-  
18 ary hearing, or in the trial of the case.

19 \* Sec. 2. AS 12.45.080 is amended to read:

20 Sec. 12.45.080. DISPOSITION OF PROCEEDING UPON FAILURE  
21 OF STATE TO COMPLY WITH ORDER. If the state elects not to  
22 comply with an order of the court to deliver to the defendant  
23 a statement or a portion of a statement as the court may  
24 direct, the court shall strike from the record the testimony  
25 of the witness, and the preliminary hearing or trial shall  
26 proceed unless the court in its discretion determines that  
27 the interests of justice require that the preliminary hearing  
28 be terminated immediately or a mistrial be declared.

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