

Introduced: 8/5/85

1 IN THE SENATE

BY V. FISCHER

2 SENATE RESOLUTION NO. 5 am

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 FOURTEENTH LEGISLATURE - FIRST SPECIAL SESSION

5 Requesting Judicial Council recommenda-
6 tions on grand jury investigative pro-
7 cedures.

8 BE IT RESOLVED BY THE SENATE:

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

11 The judicial council shall conduct studies for improvement
12 of the administration of justice, and make reports and
13 recommendations to the supreme court and to the legisla-
14 ture at intervals of not more than two years. The judicial
15 council shall perform other duties assigned by law; and

16 WHEREAS Section 8 of the Constitution of the State of
17 Alaska provides in relevant part:

18 The power of grand juries to investigate and make recommen-
19 dations concerning the public welfare or safety shall never
20 be suspended; and

21 WHEREAS the strengthening of the grand jury procedures is vital as
22 both a sword and a shield since as a sword it is the terror of criminals
23 and as a shield it is the protection of the innocent against unjust prose-
24 cution; and

25 WHEREAS the federal government and many states have defined investiga-
26 tive powers and procedures of grand juries; and

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

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

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

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