

Offered: 5/2/85
Referred: Rules

Original sponsor: Phillips

1 IN THE HOUSE

BY THE FINANCE COMMITTEE

2 CS FOR HOUSE BILL NO. 67 (Finance)

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 FOURTEENTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act relating to the admissibility of hearsay
7 evidence of certain statements by children before
8 grand juries; and amending Rule 6(r), Alaska Rules of
9 Criminal Procedure."

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

11 * Section 1. AS 12.40 is amended by adding a new section to read:

12 Sec. 12.40.110. HEARSAY EVIDENCE IN PROSECUTIONS FOR SEXUAL
13 OFFENSES. (a) In a prosecution for an offense under AS 11.41.410 -
14 11.41.440 or 11.41.455, hearsay evidence of a statement related to the
15 offense, not otherwise admissible, made by a child under the age of 10
16 who is the victim of the offense may be admitted into evidence before
17 the grand jury if

18 (1) the circumstances of the statement indicate its relia-
19 bility;

20 (2) additional evidence is introduced to corroborate the
21 statement; and

22 (3) the child testifies at the grand jury proceeding or the
23 child will be available to testify at trial.

24 (b) In this section "statement" means an oral or written asser-
25 tion or nonverbal conduct if the nonverbal conduct is intended as an
26 assertion.

27 * Sec. 2. AS 12.40.110, added by sec. 1 of this Act, has the effect of
28 amending Rule 6(r), Alaska Rules of Criminal Procedure, by changing the
29 circumstances under which hearsay evidence may be introduced in grand jury

1 proceedings for certain sexual offenses.

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