

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) am S
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 who is the victim
16 of the offense may be admitted into evidence before the grand jury if

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

19 (2) the child is under 10 years of age when the hearsay
20 evidence is sought to be admitted;

21 (3) additional evidence is introduced to corroborate the
22 statement; and

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

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

28 * Sec. 2. AS 12.40.110, added by sec. 1 of this Act, has the effect of
29 amending Rule 6(r), Alaska Rules of Criminal Procedure, by changing the

- 1 circumstances under which hearsay evidence may be introduced in grand jury
- 2 proceedings for certain sexual offenses.