

Introduced: 8/5/85

1 IN THE SENATE

BY V.FISCHER

2 SENATE RESOLUTION NO. 5

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 Article I 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 concern over possible abuse of the power of the grand jury to  
22 investigate and make recommendations was expressed at the Constitutional  
23 Convention; and

24 WHEREAS the impeachment inquiry into the conduct of the Governor of  
25 Alaska arose as a result of a report and recommendation by a grand jury;  
26 and

27 WHEREAS serious questions have been raised about the propriety and  
28 legality of the content, character, and recommendations of that report; and

29 WHEREAS the procedures used in issuing and publishing the report have

1 caused grave concerns about due process and basic fairness; and

2 WHEREAS the Grand Jury report may not have followed the provisions and  
3 intent of the Constitution; and

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

6 WHEREAS under the constitutional mandate the Judicial Council is the  
7 appropriate body to study the investigative power of the grand jury and  
8 make recommendations to the supreme court and the legislature concerning  
9 procedures involved in use of that power;

10 BE IT RESOLVED that the Senate respectfully requests the Judicial  
11 Council to study use of the power of the grand jury to investigate and make  
12 recommendations and that the council make recommendations to the supreme  
13 court and the legislature to assure effective and proper use of that power  
14 with effective safeguards to prevent abuse and assure basic fairness.