

Introduced: 8/5/85

1 IN THE SENATE

BY V.FISCHER

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SENATE RESOLUTION NO. 5 am

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IN THE LEGISLATURE OF THE STATE OF ALASKA

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FOURTEENTH LEGISLATURE - FIRST SPECIAL SESSION

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

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8 BE IT RESOLVED BY THE SENATE:

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WHEREAS Section 9 of Article IV of the Constitution of the State of

10 Alaska provides:

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

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Alaska provides in relevant part:

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

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

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

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WHEREAS under the constitutional mandate the Judicial Council is the  
appropriate body to study the investigative power of the grand jury and  
make recommendations to the supreme court and the legislature concerning

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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