

1 IN THE HOUSE

BY SWACKHAMMER AND HANLEY

2

HOUSE BILL NO. 146

3

IN THE LEGISLATURE OF THE STATE OF ALASKA

4

FIFTEENTH LEGISLATURE - FIRST SESSION

5

A BILL

6 For an Act entitled: "An Act relating to the use of hearsay evidence in
7 grand jury proceedings; and amending Rule 6(r),
8 Alaska Rules of Criminal Procedure."

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

10 * Section 1. Rule 6(r) of the Alaska Rules of Criminal Procedure is
11 amended to read:

12 (r) ADMISSIBILITY OF EVIDENCE. Evidence which would be legally
13 admissible at trial shall be admissible before the grand jury. In
14 addition, the following evidence is admissible and may be relied upon
15 by the grand jury to the same extent as other evidence: (1) hearsay
16 summaries of scientific or other expert evidence that will be avail-
17 able at trial; (2) evidence of the contents of official records or
18 business records offered through the affidavit of the custodian of the
19 records; (3) other relevant hearsay evidence, whether or not it would
20 be admissible at trial. If the prosecution relies on hearsay evi-
21 dence, the grand jury shall be informed that it has the right to
22 require a witness whose testimony is presented in the form of hearsay
23 to appear and be examined [IN APPROPRIATE CASES, HOWEVER, WITNESSES
24 MAY BE PRESENTED TO SUMMARIZE ADMISSIBLE EVIDENCE IF THE ADMISSIBLE
25 EVIDENCE WILL BE AVAILABLE AT TRIAL. HEARSAY EVIDENCE SHALL NOT BE
26 PRESENTED TO THE GRAND JURY ABSENT COMPELLING JUSTIFICATION FOR ITS
27 INTRODUCTION. IF HEARSAY EVIDENCE IS PRESENTED TO THE GRAND JURY, THE
28 REASONS FOR ITS USE SHALL BE STATED ON THE RECORD].