

Original sponsors: Swackhammer, Hanley,
Donley and Rieger

1 IN THE HOUSE BY THE JUDICIARY COMMITTEE
2 CS FOR HOUSE BILL NO. 146 (Judiciary)
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 telephonic testimony
7 in grand jury proceedings; and amending Rule 6,
8 Alaska Rules of Criminal Procedure."
9 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:
10 * Section 1. Rule 6 of the Alaska Rules of Criminal Procedure is
11 amended by adding a new subsection to read:
12 (u) Upon motion of the prosecuting attorney, the court may
13 permit a grand jury witness to testify telephonically if the motion is
14 supported by an affidavit from the prosecuting attorney stating that
15 (1) the evidence to be elicited from the witness contains matters that
16 at the time of the convening of the grand jury appear to be largely
17 uncontested or cumulative and substantial cost savings will result
18 from the telephonic testimony of the witness due to the location of
19 the witness, the cost of transporting the witness to the nearest grand
20 jury, or the cost of food and lodging for the witness; or (2) there
21 are exigent circumstances that justify excusing the witness from
22 appearing in person before the grand jury. If the motion to allow
23 telephonic testimony is granted, the witness shall testify from a
24 judge's or magistrate's courtroom or office if one is available. If
25 the witness is in an area that does not have a judge or magistrate,
26 then the witness may testify from the office or location of a notary
27 public or other public official. At the beginning of the witness'
28 testimony, the witness shall state the witness' identity and take the
29 oath prescribed in (e) of this rule. The oath shall be administered

1 by the grand jury foreman. The witness' testimony shall be given in
2 private, in accordance with (k) of this rule, and the witness shall
3 affirm this fact at the beginning and conclusion of the testimony.