

HB

174

Should require person go before O.A. first and if refused then may go to the G. grand jury.

Introduced: 2/4/77  
Referred: Judiciary

1 IN THE HOUSE

BY PARR AND DANKWORTH

2 HOUSE BILL NO. 174

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 TENTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act relating to the right of persons to bring  
7 criminal accusations to the attention of the grand  
8 jury; and changing Rule 6, Rules of Criminal Procedure."

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

10 \* Section 1. AS 12.40 is amended by adding a new section to read:

11 Sec. 12.40.045. ACCESS TO GRAND JURY. (a) If a person knows or  
12 has reason to believe that a ~~crime~~<sup>felony</sup> has been committed which is triable  
13 by the court, he may present a request <sup>in writing</sup> to the foreman of the grand jury  
14 that a meeting of all grand jurors be called to hear his evidence. The  
15 grand jury ~~shall~~<sup>may</sup> investigate the evidence presented and ~~the~~<sup>a</sup> prosecuting  
16 attorney shall be in attendance to review the evidence and advise the  
17 grand jury on all matters necessary to properly investigate any crime  
18 disclosed.

19 (b) A person who wilfully interferes with a person's right of  
20 access to the grand jury under this section is guilty of a misdemeanor  
21 and, upon conviction, is punishable by a fine of not more than \$500, or  
22 by imprisonment for not more than six months, or by both.

23 \* Sec. 2. Section 1 of this Act has the effect of changing Rule 6, Rules  
24 of Criminal Procedure, by providing for presentation of evidence to the grand  
25 jury by persons other than the prosecuting attorney or another grand juror.

26  
27 line 13 ~~or~~ acknowledge of public officials misfeasance  
28

29

#

specify the manner of bringing this to attention.

4/25/17

LB 174

D. Hickey  
Larry Weeks

against the bill →

read instructions of pattern grand jury  
used by Judge Stewart

intrude upon grand jury

Larry Weeks      P.A. Luncheon.

layman in grand jury pollutes grand jury  
process.

~~problem~~ <sup>problem</sup> w/ section (b) ~~of~~ <sup>of</sup> P.A. obligation  
to keep people from taking  
frivolous actions to the grand jury.

Dankworth -- support of the bill

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This bill encourages use of the  
grand~~jury~~<sup>jury</sup> in frivolous matters.

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The meeting was called to order at 3:25 p.m. by Chairman, Gardiner. Members present were Gardiner, Dankworth, Eliason, Rudd and Brown. Miles came late. Mr. Specking is no longer a member of the Judiciary Committee.

HB 174 Right of persons to bring criminal accusations to the attention of the grand jury.

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Dan Hickey from the Criminal Division of the A.G.'s office was here to testify. He indicated his feeling that the access to the grand jury on the part of the citizens in Alaska is adequate. He indicated that the problem with this bill is that it would encourage people to go directly to the grand jury... it is felt that this is not necessary; and such public access could cause for several ambiguous relationships. Hickey indicated a further problem with the bill in that it doesn't explain how a person would have access to the grand jury. Hickey feels that person to person contact with a grand jury could lead to all sorts of problems. If public access to the grand jury is going to be approved, Hickey feels that it should be very specific.

Larry Weeks, District Attorney, also testified in opposition to the bill. He especially objects to section (b).

Mr. Dankworth, who is a cosponsor for this bill, spoke about it. He feels that a major complaint of the public is the lack of input that they have. He feels that this bill would open a door for people who would like to appear before the grand jury. (Rather than being referred from policeman to D.A. to attorney, etc., etc.) Dankworth feels that if the D.A. doesn't want to take the case before the grand jury, the individual is out of luck.

Fred Brown mentioned some ideas that he would propose as amendments when the committee got around to marking up the bill.

This bill will be considered again at a later date.

HB 405 Providing for the qualification of district judges

HB  
405

Fred Brown spoke regarding this bill for which he is a sponsor. He explained what the bill would do.

Art Snowden from the Court System was here to testify in opposition to the bill. The court system feels that the qualifications of district court judges should be increased. Apparently this bill originated as a result of a magistrate in Brown's district who probably would be qualified to serve as a district court judge. Although this may be true of this particular magistrate, it is

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probably not true of all magistrates. In light of the fact that the court system is trying to improve the judiciary, they feel that this bill would be a step in the wrong direction in that it would be a lessening of the qualifications.

In response to a question by Rudd, Snowden indicated that the present requirements for a magistrate are that he be picked by the presiding judge; the present requirements for a district court judge are that he be a member of the bar.

Brown moved that HB 405 be moved out of committee. The vote was 3-3 so the motion failed on a tie vote. The bill will remain in committee.

The meeting was adjourned at 4:30 p.m.