

HB

26

HFIN

FILE

HOUSE COMMITTEE REPORT

(11)

Date Referred: January 26, 1995

FURTHER REFERRALS:

Date of Committee Action: 2/1/95

The FINANCE Committee considered:

HB 26

HOUSE BILL NO. 26

DEPOSITIONS IN CRIMINAL CASES

"An Act revising Rule 15, Alaska Rules of Criminal Procedure, relating to depositions, to adopt the comparable federal rule."

recommends it be replaced with the following committee substitute CS HB 26 (JUD) the same title a new title

additional referral to _____ Committee

attached amendment(s)

ADOPTS: _____ Letter of Intent

ATTACHES NEW FISCAL NOTE(S): (Dept) _____

APPROVES PREVIOUS: _____

(Dept/Date)

fiscal note(s) _____

fiscal note(s) ^{Alaska} Court 1/26/95

zero fiscal note(s) _____

zero fiscal note(s) DPS 1/26/95

Law 1/26/95

SIGNING WITH RECOMMENDATIONS	DP	DNP	NR	AM
<i>Richard Foster</i> FOSTER			*	
<i>Mark Hanley</i> HANLEY	X			
<i>Adam Mulder</i> MULDER	X			
<i>Chris Navarre</i> NAVARRE	X			
<i>Terry Martin</i> MARTIN	X			
<i>Sean Parnell</i> PARNELL	X			
<i>Gene Thernawit</i> Thernawit	X			
<i>Vick Kohring</i> Kohring	X			
<i>Walt Kelly</i> Kelly	✓			
<i>Ben Grussendorf</i> Grussendorf			X	
<i>Lay Brown</i> BROWN			X	

CHAIR'S SIGNATURE

Mark Hanley
co-chair HANLEY

Richard Foster
co-chair FOSTER

FISCAL NOTE

No. 2

STATE OF ALASKA
1995 LEGISLATIVE SESSION

BILL N

Bill Version: CS 83 26 (JUD)

(H) Publish Date: 11/20/95

Revision Date: _____ Dept. Affected: Public Safety
 Title: "An Act revising Rule 15 Alaska Rules
relating to depositions to adopt federal rule." BRU: DPS Statewide Support
 Sponsor: Representative Parnell Component: Commissioner's Office
 Requestor: (H) JUD COMPONENT SERIAL NO. 0523

EXPENDITURES/REVENUES: (Thousands of Dollars) (inflation not included)

OPERATING	FY 96	FY 97	FY 98	FY 99	FY 00	FY 01
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	-0-	-0-	-0-	-0-	-0-	-0-
CAPITAL EXPENDITURES	-0-	-0-	-0-	-0-	-0-	-0-
CHANGE IN REVENUES ()	-0-	-0-	-0-	-0-	-0-	-0-
<small>Revenue Code</small>						

FUNDING: (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1006 GF/MHTIA						
Other						
TOTAL	-0-	-0-	-0-	-0-	-0-	-0-

Estimate of current year (FY 95) impact: \$ 0.00 _____

POSITIONS:

FULL-TIME	0	0	0	0	0	0
PART-TIME	0	0	0	0	0	0
TEMPORARY	0	0	0	0	0	0

ANALYSIS: (Attach a separate page if necessary.)

No fiscal impact is anticipated by the Division of Fish and Wildlife Protection with the passage of this legislation.

Prepared By: Lee Ann Lucas, Special Assistant to the Commissioner Phone: (907) 465-4322
 Division: Commissioner's Office Date: 01/24/95
 Approved by Commissioner: [Signature] Date: 01/24/95
 Agency: for Ronald L. Otte, Dept. of Public Safety

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No. 3

Bill Version: CS HB 25 (30)

(H) Publish Date: 1/26/95

FISCAL NOTE

STATE OF ALASKA
1995 LEGISLATIVE SESSION

BILL NO. HB 25

Revision Date: _____ Dept. Affected: Department of Law
 Title: An Act revising Rule 15, Alaska Rules of Criminal SRU: Prosecution
 Procedure, relating to depositions... Component: All
 Sponsor: Representative Farnell
 Requester: Representative Farnell COMPONENT SERIAL NO. 0085-0090

Expenditures/Revenues (Thousands of Dollars)

	FY 96	FY 97	FY 98	FY 99	FY 00	FY 01
OPERATING EXPENDITURES						
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0
CAPITAL EXPENDITURES						
CHANGE IN REVENUES						

FUND SOURCE (Thousands of Dollars)

	FY 96	FY 97	FY 98	FY 99	FY 00	FY 01
1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1006 GF/MHTIA						
Other						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY95) cost: \$ 0.0

POSITIONS

	FY 96	FY 97	FY 98	FY 99	FY 00	FY 01
FULL-TIME	0.01	0.01	0.01	0.01	0.01	0.01
PART-TIME						
TEMPORARY						

ANALYSIS: (Attach a separate page if necessary)

This bill revises Rule 15, Alaska Rules of Criminal Procedure, relating to depositions and, in so doing, adopts a rule comparable to the federal rule. A defendant's use of depositions in a criminal proceeding is supposed to be rare. This is because the defense is provided with police reports and transcripts, a record of the grand jury proceedings, and evidence held by the prosecution. The process of taking depositions can be lengthy and delays the entire judicial process in matters that should be set to go to trial quickly. Of more importance, however, some judges allow the defense to take depositions from victims, including the victims of sexual abuse. This further traumatizes victims and can cause a victim to refuse to testify later at trial. The bill will have the effect of setting stringent limits on the taking of depositions in criminal proceedings, allowing their use only in exceptional circumstances. The bill will not have a fiscal impact on the Department of Law.

Prepared by: Richard I. Peques, Director
 Division: Administrative Services Division
 Approved by Commissioner: Bruce M. Botelho, Attorney General
 Department of Law

Phone: 465-3672
 Date: 1/23/95
 Date: 1/23/95

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FISCAL NOTE

Bill Version: CS HB 26 (JVO)

BI (H) Publish Date: 1/26/95

STATE OF ALASKA
1995 LEGISLATIVE SESSION

Revision Date:

Dept. Affected: Alaska Court System

Title: An Act revising Rule 15, Alaska Rules of Criminal Procedure

BRU: Trial Courts

Sponsor: Rep. Pamell

Components:

Requestor: Judiciary

COMPONENT SERIAL NO. 768

EXPENDITURES/REVENUES

(Thousands of Dollars)

OPERATING EXPENDITURES	FY 96	FY 97	FY 98	FY 99	FY 00	FY 01
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL	0.3					
SUPPLIES	0.2					
EQUIPMENT						
LAND & STRUCTURES						
GRANTS & CLAIMS						
TOTAL OPERATING	1.0	0.0	0.0	0.0	0.0	0.0

CAPITAL EXPENDITURES						
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CHANGE IN REVENUES ()						
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FUND SOURCE

(Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF	1.0	0.0	0.0	0.0	0.0	0.0
1005 GF/Program Receipts						
1006 GF/MHTIA						
Other						
TOTAL	1.0	0.0	0.0	0.0	0.0	0.0

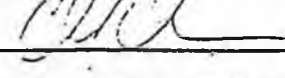
POSITIONS

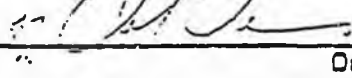
FULL-TIME						
PART-TIME						
TEMPORARY						

Estimate of current year (FY 95) cost: \$ None

ANALYSIS: (Attach a separate page if necessary)

See attached analysis.

Prepared by: C. S. Christensen III, Staff Counsel  Phone: 264-8228
 Agency: Alaska Court System Date: 01/25/95

Approved by: Arthur H. Snowden, II, Administrative Director 
 Agency: Alaska Court System Date: 01/25/95

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Alaska Court System
Fiscal Analysis
HB 26

This legislation will require revision of Criminal Rule 15 of the Alaska Rules of Court. It is anticipated that the rule will be drafted by the court rules attorney and circulated to all Bar members.

Contractual

Postage to mail the revised Criminal Rule to 2,500 members of the Bar \$832

Supplies

Printing supplies: copier paper, envelopes, per page copier maintenance charges, etc. 182

Total \$1,014

Alaska State Legislature

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REPRESENTATIVE
SEAN R. PARNELL



HOUSE OF REPRESENTATIVES

SPONSOR STATEMENT House Bill 26

"An act revising Rule 15, Alaska Rules of Criminal Procedure, relating to depositions, to adopt the comparable federal rule."

HB 26 changes Alaska Rules of Criminal Procedure to permit depositions of victims and adverse witnesses only in exceptional circumstances. Under the bill, the defense will retain access to statements taken by police and grand jury testimony of the victim and witnesses, as well as the ability to face the accuser at the trial.

In practice, Alaska's current Rule 15 enables defense attorneys to take numerous depositions of victims and witnesses, and provides fertile ground for discovery abuse. The mishandling of this privilege slows due process, unnecessarily burdens the courts, and serves to harass victims rather than promoting the ends of justice. I respectfully request your support.

DIVISION OF LEGAL SERVICES
LEGISLATIVE AFFAIRS AGENCY
STATE OF ALASKA

(907) 465-3867 or 465-2450
FAX (907) 465-2029
Mail Stop 3101

130 Seward Street, Suite 409
Juneau, Alaska 99801-2105

MEMORANDUM

January 18, 1995

SUBJECT: Sectional Summary of HB 26. (Work Order No. 9-LS0147A)

TO: Representative Sean Parnell
Attn: Richard Vitale

FROM: Gerald P. Luckhaupt
Legislative Counsel

You have requested a sectional summary of the above-described bill. As a preliminary matter, please note that a sectional summary of a bill should not be considered an authoritative interpretation of the bill - the bill itself is the best statement of its contents.

Section 1 of the bill repeals the current version of Alaska Rule of Criminal Procedure 15, dealing with depositions of witnesses in criminal cases, and adopts in its place, as the Alaska rule, Federal Rule of Criminal Procedure 15.

GPL:glc
95-064.glc



Rick Mysterom,
Mayor

ANCHORAGE POLICE DEPARTMENT

4501 South Bragaw Street • Anchorage, Alaska 99507-1599
Telephone: (907) 786-8500



Service since 1921

January 24, 1995

Representative Sean R. Parnell
Alaska State Legislature
Juneau, Alaska 99801-1182

Dear Representative Parnell:

The Anchorage Police Department supports House Bill 26, which is an Act revising Rule 15 of the Alaska Rules of Criminal Procedure. This change will facilitate an equal administration of justice related to the taking of depositions by adopting the comparable federal rule.

Sincerely,

Kevin M. O'Leary
Chief of Police