

HB

26

SFIN

FILE

SENATE FINANCE COMMITTEE REPORT

DATE: 3/9/95

FURTHER:

DATE TURNED INTO OFFICE: 3/27/95

The Finance Committee considered CS FOR HOUSE BILL NO. 26(JUD)

"An Act amending Rule 15, Alaska Rules of Criminal Procedure, relating to depositions."

and recommends:

be replaced with _____ CS _____ (_____)

adopt previous _____ CS _____ (_____)

attached amendment(s)

adopt Letter of Intent by _____ Committee

further referral to the _____ Committee

Senate Bill:

same title

new title

House Bill:

same title

technical change

new: SCR# _____

SIGNING DO PASS	DP	OTHER RECOMMENDATIONS	NR	DNP	AM
<i>Steve Rice</i>	✓	<i>Scott Gharrett</i>	✓		
<i>Reed E. Koo</i>	✓				
<i>Scott Murray</i>	✓				
Co-Chair: <i>[Signature]</i>	✓				
Co-Chair: <i>Richard Halford</i>	✓				

NEW FISCAL NOTE(S):

Department Date Zero Fiscal

Courts	3/10/95	0	

PREVIOUS FISCAL NOTE(S):*

Department Date Zero Fiscal

#2 DPS	1/24/95	0	
#3 Dohaw	1/23/95	0	

APPROPRIATION -- no fiscal note

*include fiscal notes accompanying Governor's bill

FISCAL NOTE

STATE OF ALASKA
1995 LEGISLATIVE SESSION

BILL NO. CSHB 26 (JUD)

Revision Date: 03/16/95
 Title: An Act revising Rule 15, Alaska Rules of Criminal Procedure
 Sponsor: Rep. Parnell
 Requestor: _____

Dept. Affected: Alaska Court System
 BRU: Trial Courts
 Components: _____
 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						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS & CLAIMS						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0

CAPITAL EXPENDITURES						
----------------------	--	--	--	--	--	--

CHANGE IN REVENUES ()						
------------------------	--	--	--	--	--	--

FUND SOURCE (Thousands of Dollars)

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

POSITIONS

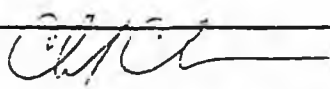
FULL-TIME						
PART-TIME						
TEMPORARY						

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

ANALYSIS: (Attach a separate page if necessary)


No fiscal impact.

Prepared by: C. S. Christensen III, Staff Counsel
 Agency: Alaska Court System



Phone: 264-822
 Date: 03/16/95

Approved by: Arthur H. Snowden, II, Administrative Director
 Agency: Alaska Court System



Date: 03/16/95

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FISCAL NOTE

STATE OF ALASKA
1995 LEGISLATIVE SESSION

No. 2
Bill Version: CS HB 26 (JUD)
(H) Publish Date: 1/26/95

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: 19071 465-4322
Division: Commissioner's Office Date: 01/24/95
Approved by Commissioner: [Signature] Date: 01/24/95
Agency: Ronald L. Otte, Dept. of Public Safety

COMMITTEE COPY PROVIDE ALL DISTRIBUTION COPIES TO GOVERNOR'S LEGISLATIVE OFFICE

FISCAL NOTE

STATE OF ALASKA
 1995 LEGISLATIVE SESSION

BILL NO. HB 26

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

Expenditures/Revenues (Thousands of Dollars)

OPERATING EXPENDITURES	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	0.0	0.0	0.0
CAPITAL EXPENDITURES						
CHANGE IN REVENUES ()						

FUND SOURCE (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	0.0	0.0	0.0

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

POSITIONS

FULL-TIME	0.0	0.0	0.0	0.0	0.0	0.0
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. Peoues, Director Phone: 465-3672
 Division: Administrative Services Division Date: 1/23/95
 Approved by Commissioner: Bruce M. Botelho, Attorney General Date: 1/23/95
 Department of Law

COMMITTEE COPY

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FISCAL NOTE

Bill Version: CS HB 26 (SUD)
 (H) Publish Date: 1/26/95

STATE OF ALASKA
 1995 LEGISLATIVE SESSION

BI

Revision Date: _____ Dept. Affected: Alaska Court System
 Title: An Act revising Rule 15, Alaska Rules BRU: Trial Courts
 of Criminal Procedure Components: _____
 Sponsor: Rep. Pamell
 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	0.8					
SUPPLIES	0.2					
EQUIPMENT						
LAND & STRUCTURES						
GRANTS & CLAIMS						
TOTAL OPERATING	1.0	0.0	0.0	0.0	0.0	0.0
CAPITAL EXPENDITURES						
CHANGE IN REVENUES ()						

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 Recalots						
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 Date: 01/25/95
 Agency: Alaska Court System

PREPARER TO PROVIDE ALL DISTRIBUTION COPIES TO GOVERNOR'S LEGISLATIVE OFFICE

COMMITTEE COPY

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

02/13/95

HOUSE JOURNAL

PAGE 0338

REPRESENTATIVE VEZEY MOVED AND ASKED UNANIMOUS CONSENT THAT CSHB 26(JUD) BE CONSIDERED ENGROSSED, ADVANCED TO THIRD READING AND PLACED ON FINAL PASSAGE. THERE BEING NO OBJECTION, IT WAS SO ORDERED.

CSHB 26(JUD) WAS READ THE THIRD TIME.

THE QUESTION BEING: "SHALL CSHB 26(JUD) PASS THE HOUSE?" THE ROLL WAS TAKEN WITH THE FOLLOWING RESULT:

CSHB 26(JUD)
THIRD READING
FINAL PASSAGE

YEAS: 37 NAYS: 0 EXCUSED: 3 ABSENT: 0

YEAS: AUSTERMAN, BARNES, BROWN, BUNDE, B.DAVIS, G.DAVIS, ELTON, FINKELSTEIN, FOSTER, GREEN, GRUSSENDORF, HANLEY, IVAN, JAMES, KELLY, KOHRING, KUBINA, MACKIE, MACLEAN, MARTIN, MASEK, MOSES, MULDER, NAVARRE, NICHOLIA, OGAN, PARNELL, PHILLIPS, PORTER, ROBINSON, ROKEBERG, SANDERS, THERRIALT, TOOHEY, VEZEY, WILLIAMS, WILLIS

EXCUSED: BRICE, DAVIES, KOTT

AND SO, CSHB 26(JUD) PASSED THE HOUSE.

REPRESENTATIVE PARNELL GAVE NOTICE OF RECONSIDERATION OF HIS VOTE ON CSHB 26(JUD).

SELECTION=>

PF1 PF2
HELP

PF3 PF4
EXIT MENU

PF5 PF6 PF7
PRINT BWD

B005-LAST PAGE

PF8 PF9
FWD

PF10
FIRST

PF11
LAST

PF12
QUIT

Alaska State Legislature

REPRESENTATIVE
SEAN R. PARNELL



716 WEST 4TH AVENUE, SUITE 320
ANCHORAGE, ALASKA 99501
(907) 258-8194

While in Juneau
STATE CAPITOL
JUNEAU, ALASKA 99801-1182
(907) 465-2995

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 Rule 15 of the Alaska Rules of Criminal Procedure to permit depositions of victims and adverse witnesses only when the witness will be unavailable for trial or in other exceptional circumstances. Under the bill, the defense retains 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

SECTIONAL SUMMARY

Legislative Research Agency

130 Seward Street, Suite 218
Juneau, Alaska 99801-2196

Phone: (907) 465-3991
Fax: (907) 463-3351

Alaska State Legislature



March 7, 1995

MEMORANDUM

TO: Representative Sean Parnell

FROM: Patricia Young *P. Young*
Legislative Analyst

RE: **Depositions in Criminal Discovery**
Research Request 95.148

You wished to know the standard upon which states allow for witness depositions in discovery in criminal cases. Specifically, you wished to know whether most states allow for depositions upon a showing of "good cause," or a showing of "exceptional circumstances."

As you know, discovery is the process by which parties in civil and criminal cases obtain information from each other in preparation for trial. The criminal discovery process is generally governed by court-defined rules supported by federal and state law. Under the *Federal Rules of Criminal Procedure*, Rule 15, depositions of witnesses may be taken by court order only in "exceptional circumstances" when "it is in the interest of justice that the testimony of a prospective witness of a party be taken and preserved" Such deposition may only be used at trial if the witness is unavailable--and unavailability is narrowly construed--or if needed for contradicting or impeaching the testimony of the deponent as a witness. Rule 15 is not meant to encourage the use of depositions at trial.

Most state criminal discovery rules are modeled on the federal rules, and depositions in criminal cases are rare compared to those in civil cases. However, we were unable to determine which states follow the federal rule in regard to allowing depositions only under exceptional circumstances, given the time available for responding to this request. The following comments, by Wayne R. LaFare and Jerold H. Israel, in *Criminal Procedure*, may nevertheless be helpful.

According to LaFare and Israel, "most jurisdictions grant defendant authority to take depositions only for the purpose of preserving testimony [rather than as a tool for discovery]. Thus the governing statutes or court rules typically provide for a deposition only upon a showing that the

Representative Parnell
March 7, 1995
Page 2

person to be deposed is a material witness and is likely not to be able to attend the trial."¹ They also note that discovery depositions are "unavailable in criminal cases in the vast majority of jurisdictions." They list several factors that help to explain this.

Initially, the availability of discovery depositions is commonly tied to the availability of witness lists, and numerous jurisdictions do not provide such lists. Second, it is argued that, in many jurisdictions, satisfactory substitutes exist. Where preliminary hearings are available and the prosecution is required to rely on direct testimony at the hearing (rather than use hearsay), the cross-examination of prosecution witnesses at the hearing can serve as a rough form of discovery deposition. The defense also may call and examine witnesses (including possible prosecution witnesses) at the preliminary hearing, although that tactic admittedly is rarely used. Another alternative discovery source frequently cited is the prior recorded statement of the prosecution witness. The discovery of witness statements, where available, is said to make the deposition not nearly as essential as it is in civil discovery (where those statements generally are not discoverable). Finally, and most significantly, the discovery deposition has proven to be one of the more costly and time-consuming elements of civil discovery, and there is concern that its availability in criminal cases would impose an intolerable burden on the already overloaded criminal docket.²

We have attached portions of the article cited above, as well as a copy of the American Bar Association (ABA) Standards for Criminal Justice concerning Discovery (3rd edition), approved in August of 1994. As you will see, the ABA discusses *depositions to perpetrate testimony* separately from *discovery depositions*. According to these standards, the court may order a deposition to perpetrate the testimony of a material witness if it "finds that there is reason to believe that the witness will be unable to be present and to testify at trial because of serious illness or other comparably serious reason, and that it is necessary to take the witness's deposition to prevent a failure of justice."

We hope this information is useful to you. Please let us know if you have questions or need additional information.

Attachments

¹Wayne R. LaFave and Jerold H. Israel, *Criminal Procedure*, volume 2 (St. Paul: West, 1984), 508-9.

²LaFave and Israel, 509-510, The authors refer to a note in the American Bar Association Standards for Criminal Justice as follows: "There is no inherent limitation of cost on the conduct of unnecessary depositions [in criminal cases], because in many cases the cost of the defense [for the indigent] must be borne by the state."

ALASKA PEACE OFFICERS ASSOCIATION

State APOA Office • P.O. Box 240106 • Anchorage, Alaska 99524-0106 • (907) 277-0515



February 8, 1995

EXECUTIVE DIRECTOR

Joseph E. Young
Anchorage

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Leroy Miestan

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Valdez
Greg Wood

Wrangell
Kenneth Luse

Representative Sean Parnell
Capitol Building
Juneau, Alaska 99801-1182

Dear Representative Parnell,

I am the State-wide president of the Alaska Peace Officers Association. Our organization represents over 1200 law enforcement officers from over 80 local, state and federal agencies. On January 31, 1995, the State Board met and discussed pending legislation dealing with peace officers.

We have chosen House Bills 25 & 26 as one of our priority pieces of legislation. We strongly feel this legislation will enhance public safety across the state. We feel it is imperative that the State enact evidentiary rules to enhance the truth-seeking function of the criminal trial. The cost of keeping probative evidence from juries in criminal cases is extremely high and includes the release of guilty offenders. As Justice O'Connor has written:

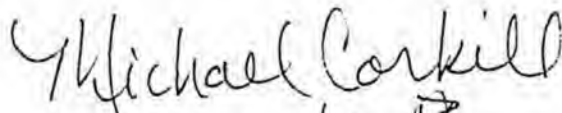
While Federal courts must and do vindicate constitutional values outside the truth seeking function of a criminal trial, where those values are unlikely to be served by the suppression remedy, the result is positively perverse. Exclusion in such a situation teaches not respect for the law, but casts the criminal system as a game and sends the message that society is so unmoved by the violation of its own laws that it is willing to frustrate their enforcement for the smallest of returns. [Duckworth v. Eagan, 492 U.S. 195, 211-12 (1989) (O'Connor, J., concurring)].

We feel that reciprocal discovery and a court rule allowing depositions are long overdue.

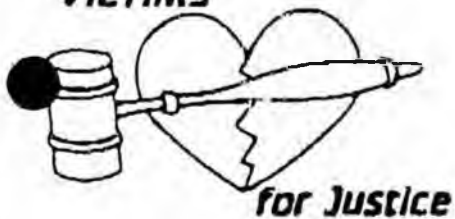
Representative Sean Parnell
Page 2
Senate Bills 10 & 11

If there is anything this organization can do to assist your effort in passing this legislation please contact me (451-5316) or our Executive Director, Joseph Young (277-0515), or Alyce Hanley (243-7574). On behalf of the Alaska Peace Officers Association, I want to thank you for proposing this legislation and wish you the best in this legislative session.

Respectfully yours,


Michael Corkill
Statewide President

VICTIMS



March 6, 1995

Rep. Sean Parnell
State Capital Building
Juneau, AK 99801

Dear Rep. Parnell:

Victims for Justice would like to take the time to thank you for introducing HB26, a bill which deals with the court rules governing depositions.

This rule change, if passed, will help streamline the court system into a system which is more fair, more efficient and delivers justice in a more timely fashion.

If as much evidence as possible, including depositions, are excluded from evidence for any reason, the people of the State of Alaska, and especially the victims of the crime in question, have been denied justice. The purpose of the court system in Alaska, and indeed any court system, should be to search for the truth, and then deliver the appropriate remedy. HB26 will help in this search for the truth, and that will be good not only for crime victims, but for all Alaskans.

Sincerely,

A handwritten signature in black ink, appearing to read "Ralph Samuels".

Ralph Samuels
Victims for Justice

ALASKA NETWORK ON DOMESTIC VIOLENCE AND SEXUAL ASSAULT

130 Seward Street, No. 501 • Juneau, Alaska 99801 • (907) 586-3650

Abused Women's Aid in Crisis (AWAIC); Advocates for Victims of Violence (AVV);
Aiding Women in Abuse and Rape Emergencies (AWARE);
Alaska Women's Resource Center (AWRC); Arctic Women in Crisis (AWIC);
Bering Sea Women's Group (BSWG); Emmonak Women's Shelter;
Kodiak Women's Resource & Crisis Center (KWRC);
Marilak Regional Women's Crisis Program; Parent Aid Family Support Center;
Safe & Fear-Free Environment (SAFE); Seward Life Action Council (SLAC);
Sikans Against Family Violence (SAFV); South Peninsula Women's Services (SPWS);
Standing Together Against Rape (STAR);
Tongass Community Counseling Center; Tundra Women's Coalition (TWC);
Unalaskans Against Sexual Assault & Family Violence (USAFV);
Valley Women's Resource Center (VWRC);
Women in Crisis Counseling & Assistance (WCCA);
Women in Safe Homes (WISH); Women's Resource & Crisis Center (WRCC)

HOUSE BILL 26 AMENDING ALASKA COURT RULE 15: DEPOSITIONS

The Alaska Network on Domestic Violence and Sexual Assault (Network) is a statewide coalition of 22 nonprofit programs. Shelter, advocacy, crisis intervention and counseling, and referral services are offered by member programs to victims of domestic violence and sexual assault. During FY94, over 9,500 victims and minor children sought and received services from member programs.

The Network supports the passage of HB26. From our perspective, the use of depositions should in most cases be reserved for instances in which the information cannot be obtained through other avenues of discovery or during trial. The information sought after and used as the basis of a request for a deposition can usually be obtained through police interviews and grand jury testimony which is currently made available to the defense. Raising the standard used by the court to grant depositions will not unduly burden the defense or hinder defense efforts to learn of a victim's statement.

The Network supports requiring the presence of the court when depositions are necessary during criminal proceedings. Having a judge or magistrate present will reduce the risk of harm by overzealous counsel on both sides of the case. Just as a defendant has a right to obtain as much information as possible to bring an adequate defense, witnesses have a right to provide the information they have to give in a safe environment.

The criminal justice system already requires sexual assault victims to relive their assaults several times. Victims give statements of their attacks to law enforcement personnel, to grand juries, and to juries at trial. Limiting the number of times a statement must be given will assist victims. Requiring the criminal justice system to be more responsive to victim concerns is critical to the successful prosecution of violent offenders.

Passage of HB26 will help to protect victims without taking away the defense's opportunity to present the best possible case for the accused.



Rick Mystrom,
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

02/13/95

HOUSE JOURNAL

PAGE 0338

REPRESENTATIVE VEZEY MOVED AND ASKED UNANIMOUS CONSENT THAT CSHB 26(JUD) BE CONSIDERED ENGROSSED, ADVANCED TO THIRD READING AND PLACED ON FINAL PASSAGE. THERE BEING NO OBJECTION, IT WAS SO ORDERED.

CSHB 26(JUD) WAS READ THE THIRD TIME.

THE QUESTION BEING: "SHALL CSHB 26(JUD) PASS THE HOUSE?" THE ROLL WAS TAKEN WITH THE FOLLOWING RESULT:

CSHB 26(JUD)
THIRD READING
FINAL PASSAGE

YEAS: 37 NAYS: 0 EXCUSED: 3 ABSENT: 0

YEAS: AUSTERMAN, BARNES, BROWN, BUNDE, B.DAVIS, G.DAVIS, ELTON, FINKELSTEIN, FOSTER, GREEN, GRUSSENDORF, HANLEY, IVAN, JAMES, KELLY, KOHRING, KUBINA, MACKIE, MACLEAN, MARTIN, MASEK, MOSES, MULDER, NAVARRE, NICHOLIA, OGAN, PARNELL, PHILLIPS, PORTER, ROBINSON, ROKEBERG, SANDERS, THERRIAULT, TOOHEY, VEZEY, WILLIAMS, WILLIS

EXCUSED: BRICE, DAVIES, KOTT

AND SO, CSHB 26(JUD) PASSED THE HOUSE.

REPRESENTATIVE PARNELL GAVE NOTICE OF RECONSIDERATION OF HIS VOTE ON CSHB 26(JUD).

SELECTION=>							B005-LAST	PAGE			
PF1	PF2	PF3	PF4	PF5	PF6	PF7	PF8	PF9	PF10	PF11	PF12
HELP		EXIT	MENU		PRINT	BWD	FWD		FIRST	LAST	QUIT

SENATE COMMITTEE REPORT

DATE: 2/14/95

FURTHER: Finance

DATE TURNED INTO OFFICE: 3-8-95

Jud

Judiciary Committee considered CS FOR HOUSE BILL NO. 26(JUD)

"An Act amending Rule 15, Alaska Rules of Criminal Procedure, relating to depositions."

*PH 01/15/95
BFW*

and recommends:

be replaced with _____ CS _____

adopt previous _____ CS _____

attached amendment(s)

adopt Letter of Intent by _____ Committee

further referral to the _____ Committee

Senate Bill:

same title

new title

House Bill:

technical change

new: SCR# _____

SIGNING DO PASS	DP	OTHER RECOMMENDATIONS	NR	DNP	AM
<i>Mike Miller</i>	<input checked="" type="checkbox"/>	<i>Lie Adams</i>	<input checked="" type="checkbox"/>		
<i>Lyda Green</i>	<input checked="" type="checkbox"/>	<i>J. Ellis</i>	<input checked="" type="checkbox"/>		
CHAIR: <i>Christy Taylor</i>	<input checked="" type="checkbox"/>				

NEW FISCAL NOTE(S):

Department Date Zero Fiscal

Department	Date	Zero	Fiscal

PREVIOUS FISCAL NOTE(S):*

Department Date Zero Fiscal

Department	Date	Zero	Fiscal
<i>Law</i>	<i>1/23/95</i>	<input checked="" type="checkbox"/>	
<i>DPS (statewide)</i>	<i>1/21/95</i>	<input checked="" type="checkbox"/>	
<i>Courts</i>	<i>1/25/95</i>		<i>1.0</i>

APPROPRIATION -- no fiscal note

*include fiscal notes accompanying Governor's bill