

IN THE SUPREME COURT OF THE STATE OF ALASKA

ORDER NO. 1381

Amending paragraphs (d) and (s) of Criminal  
Rule 6 concerning excusing grand jurors.

IT IS ORDERED:

1. Paragraph (d) of Criminal Rule 6 is amended to read as follows:

(d) **Summoning Grand Jurors.** At least once each year the presiding judge of the superior court in each judicial district shall order one or more grand juries to be convened at such times as the public interest requires. The grand jury shall consist of not less than 12 nor more than 18 members. The court shall direct that a sufficient number of legally qualified persons be summoned to meet this requirement. Any qualified member of the grand jury panel not designated to serve as a member of the grand jury may be placed on the petit jury panel. An otherwise qualified person called for petit jury service may be placed on the grand jury panel. A grand jury shall serve until discharged by the presiding judge but no grand jury may serve more than 4 months, unless this period is extended for good cause.

2. Paragraph (s) of Criminal Rule 6 is amended to read as follows:

(s) ~~Discharge and Excuse~~ **Excusing Grand Jurors.**

~~A grand jury shall serve until discharged by the presiding superior~~

~~court judge of the judicial district but no grand jury may serve more than 4 months, unless for good cause such period is extended. At any time for cause shown the presiding judge may excuse a juror either temporarily or permanently and may impanel an alternate juror in place of the juror excused. A seated juror may be excused for a particular case, permanently excused, or temporarily excused under the following circumstances:~~

(1) The prosecutor shall excuse a juror for a particular case when the juror informs the prosecutor that the juror cannot be fair or impartial in deciding that case. The prosecutor may ask the presiding judge to impanel an alternate.

(2) The prosecutor may challenge a juror for cause by presenting the challenge to the presiding judge. The judge shall provide the juror with notice of the prosecutor's request and shall question the juror concerning the request. After hearing from the juror, the judge may request additional information from the prosecutor, other jurors, or other sources. If cause is shown, the judge may excuse the juror permanently or for a particular case. The judge may impanel an alternate juror in place of the juror excused. If no cause is shown, the judge shall allow the juror to remain and may take other appropriate action.

(3) The presiding judge may excuse a juror temporarily because of illness or a personal or business matter that requires the juror's attention. The presiding judge may delegate this authority to another judicial officer.

(4) ~~In order to vote on the proposed bill, the~~ An alternate juror must be present during the presentation of all evidence related to that case in order to vote on the proposed bill.

DATED: December 2, 1999

EFFECTIVE DATE: April 15, 2000

/s/

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Chief Justice Matthews

/s/

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Justice Eastaugh

/s/

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Justice Fabe

/s/

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Justice Bryner

/s/

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Justice Carpeneti