

THE SUPREME COURT OF THE STATE OF ALASKA

ORDER NO. 267

Amending Civil Rule 43(g)  
(11) by Limiting Impeach-  
ment by Evidence of Convic-  
tion of Crime.

IT IS ORDERED:

1. Subparagraph 11[b], Rule 43(g), Rules of Civil Procedure, is amended to read:

[b] Impeachment by Adverse Party.

A witness may be impeached by the party against whom he was called by contradictory evidence, or by evidence that his general reputation for truth is bad, or that his moral character is such as to render him unworthy of belief. He may not be impeached by evidence of particular wrongful acts, except that it may be shown by examination of the witness or the record of a judgment, and subject to the provisions of subparagraph (13) of this paragraph, that the witness has been convicted of a crime.

2. Rule 43(g), Rules of Civil Procedure, is amended by adding subparagraph (13) to read:

(13) Impeachment by Evidence of Conviction of Crime.

[a] General Rule. For the purpose of attacking the credibility of a witness, evidence that he has been convicted of a crime is admissible but only if the crime involved dishonesty or false statement.

[b] Time Limit. Evidence of a conviction under this rule is inadmissible if a period of more than 5 years has elapsed since the date of the conviction of the witness.

[c] Effect of Pardon, Annulment, or Certificate of Rehabilitation. Evidence of a conviction is inadmissible under this rule if:

(i) the conviction has been the subject of a pardon, annulment, certificate of rehabilitation, or other equivalent procedure, and

(ii) the procedure under which the same was granted or issued required a substantial showing of rehabilitation or was based on innocence.

[d] Admissibility. Before a witness may be impeached by evidence of a prior conviction, the court shall be advised of the existence of the conviction and shall rule if the witness may be impeached by proof of the conviction by weighing its probative value against its prejudicial effect.

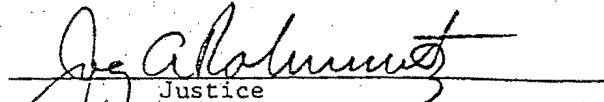
DATED: February 1, 1977

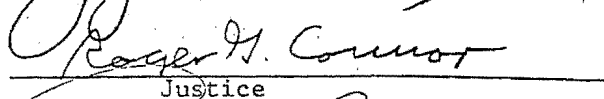
EFFECTIVE DATE: March 31, 1977

Distribution:

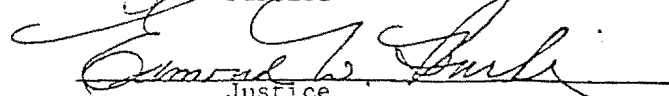
SC Justices  
Sup Ct. Judges  
Dist Judges  
Magistrates  
Mag Supr  
Clks Ct  
Law Librarian  
Probate Masters  
Adm Dir  
Members ABA  
Gov  
Dep Law  
Legs Affrs  
Pub Def Agency  
Dep Pub Safety  
Alaska Legal Serv

  
Chief Justice

  
Justice

  
Justice

  
Justice

  
Justice