

IN THE SUPREME COURT FOR THE STATE OF ALASKA

ORDER NO. 906

Amending Criminal Rule 8(a) and
Evidence Rule 404(b) as
provided by Ch. 66, 58 and 9,
SLA 1988

IT IS ORDERED:

1. Criminal Rule 8(a) is amended to provide:

(a) Joinder of Offenses. Two or more offenses may be charged in the same indictment or information in a separate count for each offense if the offenses charged, whether felonies, misdemeanors or both,

(1) are of the same or similar character and it can be determined before trial that it is likely that evidence of one charged offense would be admissible to prove another charged offense,

(2) [OR] are based on the same act or transaction, or

(3) are based on two or more acts or transactions connected together or constituting parts of a common scheme or plan.

2. Evidence Rule 404(b) is amended to provide:

(b) Other Crimes, Wrongs, or Acts.

(1) Evidence of other crimes, wrongs, or acts is not admissible to prove the character of a person in order to show that he acted in conformity therewith. It may, however, be admissible for other purposes, such as proof of motive, opportunity, intent, preparation, plan, knowledge, identity, or absence of mistake or accident.

(2) In a prosecution for a crime involving a physical or sexual assault or abuse of a minor, evidence of other acts by the defendant toward the same or another child is admissible to show a common scheme or plan if admission of the evidence is not precluded by another rule of evidence and if the prior offenses

(i) are not too remote in time;

(ii) are similar to the offense charged; and

(iii) were committed upon persons similar to the prosecuting witness.

DATED: July 20, 1988

EFFECTIVE DATE: nunc pro tunc May 28, 1988

Supreme Court Order No.: 906
Effective Date: nunc pro tunc May 28, 1988

Chief Justice Matthews

Justice Rabinowitz

Justice Burke

Justice Compton

Justice Moore