

IN THE SUPREME COURT OF THE STATE OF ALASKA
ORDER NO. 2030

Amending Criminal Rule 6(s) and adding a Note to implement the direct court rule amendments made by Chapter 11 SLA 2024 (HB 66); and

Adding a Note to Civil Rules 4 and 5 concerning indirect amendments made by Chapter 11 SLA 2024 (HB 66).

IT IS ORDERED:

1. Criminal Rule 6 is amended to read as follows:

Rule 6. Grand Jury

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(s) Admissibility of Evidence.

(1) Evidence which would be legally admissible at trial shall be admissible before the grand jury. Witnesses ~~In appropriate cases, however, witnesses~~ may be presented to summarize admissible evidence if the admissible evidence will be available at trial. ~~Except as stated in subparagraphs (2), (3), and (6), hearsay evidence shall not be presented to the grand jury absent compelling justification for its introduction. If hearsay evidence is presented to the grand jury, the reasons for its use shall be stated on the record.~~

~~————(2)———— In a prosecution for an offense under AS 11.41.410—
11.41.458, hearsay evidence of a statement related to the offense,~~

~~not otherwise admissible, made by a child who is the victim of the offense may be admitted into evidence before the grand jury if~~

~~————— (i) ——— the circumstances of the statement indicate its reliability;~~

~~————— (ii) ——— the child is under 10 years of age when the hearsay evidence is sought to be admitted;~~

~~————— (iii) ——— additional evidence is introduced to corroborate the statement; and~~

~~————— (iv) ——— the child testifies at the grand jury proceeding or the child will be available to testify at trial.~~

~~(2)(3) Hearsay evidence related to the offense, not otherwise admissible, may be admitted into evidence before the grand jury if~~

~~————— (i) ——— the individual presenting the hearsay evidence is a peace officer involved in the investigation; and~~

~~————— (ii) ——— the hearsay evidence consists of the statement and observations made by another peace officer in the course of an investigation; and~~

~~————— (iii) ——— additional evidence is introduced to corroborate the statement.~~

~~(3)(4) If the testimony presented by a peace officer under paragraph (2)(3) of this section is inaccurate because of intentional, grossly negligent, or negligent misstatements or omissions, then the court shall dismiss an indictment resulting from the testimony if the defendant shows that the inaccuracy prejudices substantial rights of the defendant.~~

~~————(5)—— In this section “statement” means an oral or written assertion or nonverbal conduct if the nonverbal conduct is intended as an assertion.~~

~~(4)(6)~~ When a prior conviction is an element of an offense, hearsay evidence received through the Alaska Public Safety Information Network or from other government agencies of prior convictions may be presented to the grand jury.

(t) **Excusing Grand Jurors.** * * * *

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2. The following note is added to the end of Criminal Rule 6:

Note to SCO 2030: Criminal Rule 6(s) was amended by sec. 61 Chapter 11, SLA 2024 (HB 66) regarding the admissibility of evidence in grand jury proceedings. The rule change is adopted for the sole reason that the legislature has mandated the amendment.

3. The following note is added to the end of Civil Rules 4 and 5:

Note: Chapter 11, SLA 2024 (HB 66) enacted changes to mental health commitment procedures. According to sec. 63 of the Act, AS 47.30.700(d) enacted by sec. 48 of the Act has the effect of changing Civil Rules 4 and 5 by restricting the permissible methods by which a court order may be served on a party.

DATED: September 19, 2024

EFFECTIVE DATE: January 1, 2025

/s/
Chief Justice Maassen

/s/
Justice Carney

/s/
Justice Borghesan

/s/
Justice Henderson

/s/
Justice Pate