

IN THE SUPREME COURT FOR THE STATE OF ALASKA

ORDER NO. 973

Amending Criminal Rule 6(f)(2)
and (n)(1) concerning defining
the majority of grand jurors.

IT IS ORDERED:

1. Criminal Rule 6(f)(2) is amended to provide:

(2) Motion to Dismiss. A motion to dismiss the indictment may be based upon objections to the array or the lack of legal qualification of an individual juror, if not previously determined upon challenge. An indictment shall not be dismissed upon the ground that one or more members of the grand jury were not legally qualified if it appears from the record kept pursuant to section (j) of this rule that a majority of the total number of grand jurors comprising the panel when the panel is [INITIALLY] sworn and charged with instructions, after deducting the number not legally qualified, concurred in finding the indictment.

2. Criminal Rule 6(n)(1) is amended to provide:

(n) Finding and Return of Indictment.

(1) An indictment may be found only upon the concurrence of a majority of the total number of jurors comprising the panel when the panel is [INITIALLY] sworn and charged with instructions, after deducting the number not legally qualified. If the defendant has been

held to answer and a majority of jurors do not concur in finding "a true bill", the indictment shall be endorsed "not a true bill" and signed by the foreperson. Whenever an indictment is found, it shall be endorsed "a true bill" and signed by the foreperson. Such indictments, whichever way endorsed, shall be presented in open court and filed with the clerk where they shall remain public records. The foreperson or deputy foreperson may present the indictment without the presence of other grand jury members.

DATED: June 1, 1989

EFFECTIVE DATE: July 15, 1989

Chief Justice Matthews

Justice Rabinowitz

Justice Burke

Justice Compton

Justice Moore