

IN THE SUPREME COURT FOR THE STATE OF ALASKA

ORDER NO. 997

Correcting SCO 991 concerning  
Criminal Rule 6(f).

IT IS ORDERED:

Supreme Court Order 991 is replaced by the following amendment to Criminal Rule 6(f):

(f) Objections to Grand Jury and to Grand Jurors.

[(1) CHALLENGES. THE PROSECUTING ATTORNEY OR A DEFENDANT WHO HAS BEEN HELD TO ANSWER TO A COMPLAINT CHARGING AN INDICTABLE OFFENSE MAY CHALLENGE THE ARRAY OF JURORS ON THE GROUND THAT THE GRAND JURY WAS NOT SELECTED, DRAWN OR SUMMONED IN ACCORDANCE WITH LAW, AND MAY CHALLENGE AN INDIVIDUAL JUROR ON THE GROUND THAT THE JUROR IS NOT LEGALLY QUALIFIED. CHALLENGES SHALL BE MADE BEFORE THE ADMINISTRATION OF THE OATH TO THE JURORS AND SHALL BE TRIED BY THE PRESIDING JUDGE SUMMONING THE GRAND JURY.

(2) MOTION TO DISMISS OR EXPUNGE.]  
A motion to dismiss the indictment or to expunge a report of the grand jury 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 nor a report expunged upon the ground that one or more members of the grand jury were not legally qualified if it appears from the record kept

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pursuant to section (g) of this rule that a majority of the total number of grand jurors comprising the panel when the panel is sworn and charged with instructions, after deducting the number not legally qualified, concurred in finding the indictment.

DATED: July 20, 1989

EFFECTIVE DATE: January 15, 1990

Chief Justice Matthews

Justice Rabinowitz

Justice Burke

Justice Compton

Justice Moore