

THE SUPREME COURT OF THE STATE OF ALASKA

ORDER NO. 146

AMENDMENT NO. 1 - November 1, 1971

Amending Rule 6
Rules of Criminal Procedure

IT IS ORDERED:

Rule 6 of the Rules of Criminal Procedure is amended
as follows:

Paragraph (i) will become paragraph (k);
Paragraph (j) will become paragraph (l);
Paragraph (k) will become paragraph (m);
Paragraph (l) will become paragraph (n);
Paragraph (m) will become paragraph (o).

After paragraph (f) the following will be added:

(g) Record of Proceedings. All proceedings before the grand jury, including the testimony of witnesses and any statements made by the prosecuting attorney or by any of the jurors, shall be electronically recorded.

(h) Who May Be Present. The prosecuting attorney, the witness under examination, interpreters when needed, and a deputy clerk of the court for the purpose of recording proceedings may be present while the grand jury is in session. No person other than the jurors may be present while the grand jury is deliberating or voting.

(i) Secrecy of Proceedings and Disclosure. Disclosure of matters occurring before the grand jury other than the deliberations and the vote of any juror may be made to the prosecuting attorney for use in the performance of his duties. Otherwise, a juror, attorney, interpreter, deputy clerk of the court or stenographer may disclose matters occurring before the grand jury only when so directed by the court preliminary to or in connection with a judicial proceeding. No obligation of secrecy may be imposed upon any person except in accordance with this rule. The court may direct that an indictment shall be kept secret until the defendant is in custody or has given bail, and in that event the clerk shall seal the indictment and no person shall disclose the finding of the indictment except when necessary for the issuance and execution of a warrant or summons.

(j) Availability of Grand Jury Record. Upon request, a defendant shall be entitled to listen to the electronic recording of the grand jury proceedings and inspect all exhibits presented to the grand jury. Upon further request he may obtain a transcript of such proceedings and copies of such exhibits.

EFFECTIVE DATE: October 31, 1971.

THE SUPREME COURT OF THE STATE OF ALASKA

ORDER NO. 146

Amending Rule 6
Rules of Criminal Procedure

IT IS ORDERED:

Rule 6 of the Rules of Criminal Procedure is amended
as follows:

Paragraph (i) will become paragraph (k);
Paragraph (j) will become paragraph (l);
Paragraph (k) will become paragraph (m);
Paragraph (l) will become paragraph (n);
Paragraph (m) will become paragraph (o).

After paragraph (f) the following will be added:

(g) Record of Proceedings. All proceedings before the grand jury, including the testimony of witnesses and any statements made by the prosecuting attorney or by any of the jurors, shall be electronically recorded.

(h) Who May Be Present. The prosecuting attorney, the witness under examination, interpreters when needed, and a deputy clerk of the court for the purpose of recording proceedings. No person other than the jurors may be present while the grand jury is deliberating or voting.

(i) Secrecy of Proceedings and Disclosure. Disclosure of matters occurring before the grand jury other than the deliberations and the vote of any juror may be made to the prosecuting attorney for use in the performance of his duties. Otherwise, a juror, attorney, interpreter, deputy clerk of the court or stenographer may disclose matters occurring before the grand jury only when so directed by the court preliminary to or in connection with a judicial proceeding. No obligation of secrecy may be imposed upon any person except in accordance with this rule. The court may direct that an indictment shall be kept secret until the defendant is in custody or has given bail, and in that event the clerk shall seal the indictment and no person shall disclose the finding of the indictment except when necessary for the issuance and execution of a warrant or summons.

(j) Availability of Grand Jury Record. Upon request, a defendant shall be entitled to listen to the electronic recording of the grand jury proceedings and inspect all exhibits presented to the grand jury. Upon further request he may obtain a transcript of such proceedings and copies of such exhibits.

EFFECTIVE DATE: October 31, 1971.

George F. Bailey
Chief Justice

Jack H. Diamond
Associate Justice

Jay A. Robinson
Associate Justice

Roger G. Connor
Associate Justice

Spencer C. Evers
Associate Justice

DISTRIBUTION:

- S/C Justs
- Sup/Ct Jdgs
- Dist Jdgs
- Mags
- Clks/Ct
- Law Librarian
- Probate Masters
- Adm Dir
- All Members ABA
- Gov
- Lt/Gov
- Dept/Law
- Leg/Council
- Pub Def Agency
- Dept/Pub Safety
- Alaska Legal Services