

IN THE SUPREME COURT FOR THE STATE OF ALASKA

ORDER NO. 881

Amending Criminal Rule 6 concerning grand juries.

IT IS ORDERED:

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

(n)(1) Finding and Return of Indictment. An indictment may be found only upon the concurrence of a majority of the total number of jurors. 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[MAN]. Whenever an indictment is found, it shall be endorsed "a true bill" and signed by the foreperson[MAN]. 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. [IF THE DEFENDANT HAS NOT BEEN HELD TO ANSWER AND A MAJORITY OF THE JURORS DO NOT CONCUR IN FINDING AN INDICTMENT, THE INDICTMENT AND THE MINUTES OF THE EVIDENCE IN RELATION THERETO SHALL BE DESTROYED BY THE GRAND JURY.]

(2) If the defendant has not been held to answer and a majority of jurors do not concur in finding an indictment, the court shall hold exhibits, minutes, notes and the record of the grand jury proceeding under seal for a period of 60 days. At that time, the court shall have the exhibits returned to the state and the minutes, notes and record destroyed unless, on application of the state, defendant or codefendant, the court orders otherwise for good cause shown.

DATED: February 4, 1988

EFFECTIVE DATE: July 15, 1988

Chief Justice Matthews

Justice Rabinowitz

Justice Burke

Justice Compton

Justice Moore