

IN THE SUPREME COURT FOR THE STATE OF ALASKA

ORDER NO. 1078

Amending Criminal Rule 6(n)  
concerning Grand Jury  
Proceedings.

IT IS ORDERED:

1. Paragraph (n) of Criminal Rule 6 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 grand jury when the grand jury is sworn and charged with instructions, after deducting the number not legally qualified.

(2) If an indictment is not found  
[THE DEFENDANT HAS BEEN HELD TO ANSWER],  
the indictment shall be endorsed "not a true bill" and signed by the foreperson. If [WHENEVER] an indictment is found, the indictment [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.]

(3) (i) If an indictment is endorsed  
"a true bill," the indictment shall be  
presented in open court and filed with the  
clerk where it shall be open to public  
inspection.

(ii) If an indictment is endorsed "not a true bill" and a complaint or information was previously filed in district court, the indictment shall be presented in open court and filed with the clerk where it shall be open to public inspection.

(iii) If an indictment is endorsed "not a true bill" and no complaint or information was previously filed in district court, the indictment shall be filed with the clerk and held under seal.

(iv) The foreperson or deputy foreperson may present an [THE] indictment in open court without the presence of other grand jury members.

[(2)] (4) If no indictment is found [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,] the 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 CO-DEFENDANT, THE COURT ORDERS OTHERWISE FOR GOOD CAUSE SHOWN. HOWEVER, THE GRAND JURY MINUTES, NOTES AND RECORD WILL NOT BE DES-

TROYED IF A REPORT IS ISSUED UNDER CRIMI-  
NAL RULE 6.1 UNLESS THE COURT SO ORDERS].

(5) The return of exhibits used  
during grand jury proceedings is governed  
by Criminal Rule 26.1(h).

DATED: September 27, 1991

EFFECTIVE DATE: January 15, 1992

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Chief Justice Rabinowitz

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Justice Burke

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Justice Matthews

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Justice Compton

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Justice Moore