

IN THE SUPREME COURT FOR THE STATE OF ALASKA

ORDER NO. 945

Amending Criminal Rule 6(r) to reflect a legislative change made by ch. 41, §§ 1-2, SLA 1985.

IT IS ORDERED:

1. Pursuant to AS 12.40.110, adopted by ch. 41, §§1-2, SLA 1985, Criminal Rule 6(r) is amended to provide:

r. Admissibility of Evidence.

1. Evidence which would be legally admissible at trial shall be admissible before the grand jury. In appropriate cases, however, witnesses may be presented to summarize admissible evidence if the admissible evidence will be available at trial. Except as stated in subparagraph (2), [H]hearsay evidence shall not be presented to the grand jury absent compelling justification for its introduction. If hearsay evidence is presented to the grand jury, the reasons for its use shall be stated on the record.

2. In a prosecution for an offense under AS 11.41.410-11.41.440 or 11.41.455, hearsay evidence of a statement related to the offense, not otherwise admissible, made by a child who is the victim of the offense may be admitted into evidence before the grand jury if

(i) the circumstances of the statement indicate its reliability;

(ii) the child is under 10 years of age when the hearsay evidence is sought to be admitted;

(iii) additional evidence is introduced to corroborate the statement; and

(iv) the child testifies at the grand jury proceeding or the child will be available to testify at trial.

3. In this section "statement" means an oral or written assertion or nonverbal

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conduct if the nonverbal conduct is intended as  
an assertion.

2. A note is added following Criminal Rule 6 to provide:

Note: Subparagraphs (r)(2) and (3) of Criminal  
Rule 6 was added by ch. 41, §§ 1-2, SLA 1985,  
adopting AS 12.40.110.

DATED: September 22, 1988

EFFECTIVE DATE: January 15, 1989

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Chief Justice Matthews

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Justice Rabinowitz

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Justice Burke

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Justice Compton

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Justice Moore