



ALASKA COURT SYSTEM

State of Alaska

SNOWDEN ADMINISTRATIVE OFFICE BUILDING

820 West 4th Avenue

Anchorage, Alaska 99501-2005

Stacy K. Steinberg
Court Rules Attorney

(907) 264-8239
SSteinberg@akcourts.gov

February 18, 2026

REQUEST FOR COMMENTS ON PROPOSED RULE CHANGES

(Comments Due by Monday, April 6, 2026)

The Alaska Supreme Court seeks comments on the following proposed rule changes. Proposed changes to existing rules are shown in “legislative” style: new language is underlined and deleted language is struck through.

Comments are due by Monday, April 6, 2026. Please direct your comments via email to RuleComments@akcourts.gov, or use the mailing address shown above. Thank you for your time and consideration.

Proposed Changes to the Criminal Rules

- 1. [Criminal Rule 6.1: Grand Jury Reports — Public Welfare or Safety](#).....2
- 2. [Criminal Rule 6: The Grand Jury](#) 15

1. Criminal Rule 6.1: Grand Jury Reports — Public Welfare or Safety.

Procedural History

In November 2022 and January 2023, the Alaska Supreme Court took expedited rulemaking action under Administrative Rule 44(i) and issued Supreme Court Orders 1993 and 2000, respectively, setting forth a process in Criminal Rule 6.1 to request and initiate a grand jury investigation into a public welfare or safety matter and provide consistency and clarification for these proceedings. The Court then referred Rule 6.1 to the Criminal Rules Committee for its review and recommendations under the regular rulemaking procedures. The committee undertook a thorough head to toe review of the rule not just the sections that were amended in SCOs 1993 and 2020. Over the course of two years, the committee met twelve times and then sent its recommendations to the Court. The Court reviewed the recommendations, made changes, and returned the rule to the committee for feedback on the changes. The committee made further recommendations that the Court considered.

Summary of Major Changes

Criminal Rule 6.1 has many proposed changes but here are the highlights:

- All of the Commentary in the Rule is removed.
- The Rule language in subsection (a) explaining issues that fit within the public welfare or safety is removed.
- The process to request an investigation (both for a grand juror and non-grand juror) is changed. A grand juror can propose an investigation directly with the other grand jurors. A non-grand jury can file a request with a superior court. The request goes to the presiding judge who transmits it to a seated grand jury. A non-grand juror must be a resident.
- For both grand juror and non-grand juror requests, the Attorney General assigns an attorney to provide advice and assistance to the grand jury on whether to investigate a matter concerning the public welfare and safety and any subsequent investigation.
- The evidence standard for an investigation is changed; it is different than Criminal Rule 6(s). The grand jury may hear inadmissible evidence in its investigative phase; the grand jury's factual findings in its report must be based on admissible evidence.
- A new provision is added that the grand jury may not disregard information that would tend to rebut its recommendations. And the grand jury must subpoena evidence necessary for a full and fair consideration of the issues in its report.
- A grand jury's report must be based on factual findings supported by a preponderance of the evidence admissible under the Evidence Rules. A grand jury's report cannot be admitted as evidence in a proceeding.

- The grand jury cannot return an indictment related to the matter it is investigating; instead, it can issue a bill of proposed charges to the prosecuting attorney.
- Current subsections (f) and (g) addressing judicial review and release of the report are overhauled. The presiding judge no longer conducts an initial review of the report to ensure it complies with the standards and requirements in the Rule; instead, the automatic initial review is replaced with an objection-driven process. A person with a substantial interest likely to be affected by release of the report is notified. That person may file an objection to the report. The person may submit additional evidence if it is material. A governmental subdivision or agency is now a “person” under the Rule who can file an objection (See Definitions at the end of the Rule).
- Any person (not just a person with a substantial interest) identified in a report can file a response to the report; the response will be attached to the report as an appendix.
- A witness who testified before the grand jury can request that their name be reacted from the report and the presiding judge will issue a ruling on the request.

The Rule has many, many other changes. The bullet points, above, simply brush on the highlights of the changes; it is not a substitute for reading the proposed new and deleted language in the Rule. And several portions of Criminal Rule 6 are added to Criminal Rule 6.1 so the reader does not have to flip back to Criminal Rule 6.

Changes to the Rule

Here are the proposed amendments in tracked changes (new language is underlined; deleted language is struck through):

Rule 6.1. Grand Jury Reports — Public Welfare or Safety.

(a) **Authority to Investigate and Issue Reports.** A grand jury is constitutionally authorized to investigate and make reports and recommendations concerning the public welfare or safety. All matters occurring before the grand jury are secret as provided under Criminal Rule 6(m), except as otherwise provided by this rule. ~~An issue concerns the public welfare or safety, and therefore is within the scope of a grand jury’s investigative authority, when~~

~~(1) the investigation of the issue could further a public policy of the state;~~

~~(2) the outcome of the investigation could reasonably be expected to benefit a large number of people, rather than to benefit only an individual or small group of individuals; and~~

~~(3) the issue involves a matter of general importance to a large number of people, rather than to an individual or a small group of individuals.~~

~~An issue that concerns primarily a private matter rather than one that concerns the general public is not generally an issue concerning the public welfare or safety within the scope of a grand jury's investigative authority. An indictment is not a "report" as used in this rule and Criminal Rule 6.~~

~~COMMENTARY to Rule 6.1(a):~~

~~The grand jury is constitutionally authorized to investigate matters of public welfare or safety and to issue reports on the results of such investigations; subsection (a) generally describes the reasonable scope of that authority. Adherence to subsection (a) will ensure that an investigative grand jury is justified and that the grand jury's use of State of Alaska resources is reasonable and appropriate.~~

~~To be investigated, a matter must concern the public welfare or safety; for example, systemic issues or an ongoing, recurring issue impacting the general public could be within the scope of a grand jury investigation. But purely private matters such as, for example, an investigation into any individual court case of any type (whether currently open or closed), or an investigation into the Department of Law's decision not to prosecute a particular incident as a crime, or an investigation into any private dispute between or among citizens that could appropriately be the basis for a civil or other court case, are not generally matters of public welfare or safety within the scope a grand jury's investigative authority.~~

(b) Grand Juror Requests to Investigate a Matter of Public Welfare or Safety.

(1) ~~An individual grand juror may propose to the prosecuting attorney that the other grand jurors jury that the grand jury investigate a matter concerning the public welfare or safety. If the prosecuting attorney has a reasonable basis to believe that (A) the matter proposed concerns the public welfare or safety and is within the grand jury's authority as described in subsection (a), and (B) the proposal is not patently groundless, made for purposes of delay or harassment, or otherwise proposed in bad faith, the prosecuting attorney shall, within a reasonable period of time considering resources and Department of Law priorities, describe the proposal to the grand jury for its consideration. If a majority of the grand jurors determine that the proposed matter should be the subject of an investigation, then the grand jury must notify the Attorney General and the presiding judge in writing. If a majority of the grand jurors, after a reasonable time for consideration, determines that the matter proposed should be the subject of an investigation, then the prosecuting attorney shall facilitate the grand jury's investigation of the matter and provide assistance and oversight to the grand jury for preparation of the report.~~

(2) An attorney assigned by the Attorney General shall provide advice and assistance to the grand jury on whether to investigate a matter concerning the public welfare or safety. If the majority of the grand jurors propose investigating a matter, the assigned attorney, or another attorney assigned by the Attorney General, shall facilitate the grand jury's investigation and provide assistance and advice to the grand jury for preparation of any report.

~~(3)(2) If a proposed grand jury investigation concerns possible misconduct on the part of the prosecuting attorney or others in the Department of Law such that having the prosecuting attorney oversee the investigation would create an appearance of impropriety or a conflict of interest, the prosecuting attorney shall immediately advise the Attorney General of the potential conflict. If the Attorney General determines that the Department of Law has a conflict of interest, the~~The Attorney General, in his or her discretion, may shall appoint independent counsel ~~a neutral prosecutor~~ to assist the grand jury and oversee the preparation of any ~~the~~ grand jury report.

~~(4)(3) If an individual grand juror has a reasonable and good faith basis to believe that having the prosecuting attorney assigned to oversee the investigation has creates an appearance of impropriety or a conflict of interest because the investigation involves possible misconduct by that prosecuting attorney or others in the Department of Law, the grand juror may notify the presiding judge~~superior court. The grand juror shall ~~orally~~ describe the basis for his or her belief to the presiding judge ~~court~~ in the presence of the grand jury. ~~Any further inquiry or proceedings conducted by the superior court relating to a matter raised under this paragraph shall be confidential. The presiding judge shall determine whether a conflict of interest exists and enter an appropriate order.~~

(c) **Non-Grand Juror Citizen Requests to Initiate Investigative Grand Jury.**

~~(1) If a citizen who is not serving as a grand juror believes that a matter of public welfare or safety should be investigated by a grand jury, the citizen may direct the citizen's concern to the Attorney General for consideration and for possible review and investigation by a grand jury.~~

COMMENTARY to Rule 6.1(c)(1):

~~The grand jury process may broadly be considered a function of both the judicial branch and the executive branch. The court system convenes a grand jury, provides a clerk for recording the sessions, and provides logistical support such as a physical space for the sessions. But grand jury sessions are led by and conducted by the Department of Law, i.e., the executive branch. The court system does not play a role in presenting evidence or moderating proceedings (except for the~~

~~limited and rare situation in which a grand jury seeks a clarification of law, as provided in Criminal Rule 6(p)); a judge is not present for grand jury sessions while evidence is being presented or when any particular case or matter is being discussed or considered. This limited judicial branch role and expansive executive branch role with respect to grand jury proceedings is unchanged when the grand jury fulfills its investigative function. Decisions as to what to present to the grand jury, including whether to present a matter requested by a citizen to the grand jury for investigation, rest with the executive branch.~~

~~A grand jury has the constitutional authority to investigate appropriate matters when properly presented. This, in itself, does not mean that an individual citizen has a right to present any matter directly to the grand jury for consideration, or to seek a court order requesting or requiring that a grand jury conduct any investigation. A citizen seeking to have a grand jury investigate a matter of public welfare or safety may bring that issue to the attention of the Attorney General or his or her designee. It is up to the Attorney General or designee to review the matter and determine whether an investigation would be a valid and appropriate use of the grand jury's authority, as described in this rule. The Attorney General or designee has discretion in making that determination, akin to the discretion that the Attorney General and designees regularly exercise in the course of their roles, for example in determining whether a particular incident should be pursued in a criminal prosecution. If the Attorney General or designee determines that the matter brought forward by a citizen is appropriate for a grand jury investigation, the prosecuting attorney will describe the issue to the grand jury and facilitate the investigation, following the procedures in subsection (b).~~

(1) If a resident who is not serving as a grand juror believes that a matter of public welfare or safety should be investigated by a grand jury, the resident may file such a request in any superior court. The resident may use a form provided by the court system for this purpose. A request for grand jury investigation shall:

(A) include a case caption entitled "Request for Grand Jury Investigation";

(B) describe with particularity the matter of public welfare or safety to be investigated;

(C) be signed personally by the resident; and

(D) be filed in only one superior court.

~~(2) If a grand jury investigation initiated by a citizen request concerns possible misconduct on the part of the prosecuting attorney or others in the Department of Law such that having the prosecuting attorney oversee the investigation would create an appearance of~~

~~impropriety or a conflict of interest, the process set forth in paragraphs (b)(2) and (3) of this rule applies.~~

(2) By filing a signed request for a grand jury investigation, the resident certifies that to the best of the resident's knowledge, information, and belief, formed after an inquiry reasonable under the circumstances, the request is not being presented for any improper purpose, such as to harass, and that the factual allegations have evidentiary support or will likely have evidentiary support after further investigation. For a knowing violation of this paragraph, the court may impose a sanction not to exceed \$500.

(3) The clerk of court shall seal the request and transmit it to the presiding judge.

(4) The presiding judge shall unseal the request and transmit it to a seated grand jury within 30 days of filing. The presiding judge of the superior court in which the request is filed may promptly transfer the request to another appropriate venue under AS 22.10.040 and Criminal Rule 6(b).

(5) The grand jury may elect to investigate the referral as though it were raised by a member of the grand jury under Rule 6.1(b)(1).

~~(6)(3) A resident citizen who proposes an investigation under this subsection is not authorized to attend the grand jury investigative sessions unless the assigned prosecuting attorney or a majority of the grand jurors conducting the investigation request requests the resident citizen to do so for particular testify testimony or for a particular purpose.~~

(7) The presiding judge who transmitted the request to the grand jury shall promptly notify the resident in writing that the request was transmitted pursuant to Criminal Rule 6.1.

(d) Majority Required.

(1) A grand jury may initiate an investigation of a matter only upon the concurrence of a majority of the ~~total number of~~ grand jurors ~~on the panel at the commencement of the proceedings at which the prosecuting attorney presents the matter.~~ The grand jury's decision whether to initiate an investigation shall be recorded as provided in Criminal Rule 6(h).

(2) A grand jury may issue a report and recommendations ~~may be made~~ only upon the concurrence of a majority of the ~~total number of~~ grand jurors ~~on the panel at the commencement of the proceedings resulting in the report.~~ The grand jury's decision whether to make a report shall be recorded as provided in Criminal Rule

~~6(h). The report must be signed by the foreperson. A grand jury report may include allegations of criminal conduct.~~

(e) Subpoenas; Evidence; Proceedings.

~~(1) While conducting an investigation and preparing a report concerning the public welfare or safety as described in this rule, a If approved by a majority of the grand jurors, the grand jury may issue a subpoena to compel testimony from witnesses or to compel the production of other evidence. documents only with the approval of a majority of the grand jurors, The grand jury may issue the subpoena only after due consideration of the reasonableness of the proposed subpoena, the necessity of the anticipated testimony or other evidence documents, and the anticipated burden on and inconvenience to the recipient of the subpoena. If the prosecuting attorney reasonably believes that a subpoena approved by a majority of grand jurors was not approved in good faith, would be unreasonably burdensome on the recipient, is not reasonable, or is not necessary, the prosecutor may, without consent from or authorization by the grand jury, inform the superior court and seek a judicial determination whether the subpoena shall issue. The assigned attorney may, without consent from or authorization by the grand jury, inform the presiding judge and seek a judicial determination whether the subpoena should issue. A person subject to a subpoena may file an objection with the presiding judge. The presiding judge may quash or limit the subpoena if compliance would be unreasonable, oppressive, or otherwise contrary to this rule.~~

~~(2) A person testifying before the grand jury must be sworn and testify under oath.~~

~~(2) The presentation and admissibility of evidence during an investigative grand jury must comply with Criminal Rule 6(s).~~

~~(3) Inadmissible evidence may be presented to the grand jury during its investigation of a matter of public welfare or safety, but the factual findings in the grand jury's report shall be based on a preponderance of the evidence admissible under the Alaska Rules of Evidence.~~

~~(4) The grand jury may not disregard information that would tend to rebut its recommendations. When the production of additional evidence is necessary for a full and fair consideration of the issues in the grand jury's report, it shall subpoena the evidence.~~

~~(5) All proceedings before the grand jury, including the testimony of witnesses and any statements made by the assigned attorney or by any of the jurors, shall be electronically recorded. No person other than the jurors and any interpreter or transcriber necessary to assist a juror who is hearing or speech impaired shall be~~

present while the grand jury is deliberating or voting. The grand jury's deliberations and voting shall not be electronically recorded.

(f) **Requirements for Report.** The attorney assigned to the grand jury may assist the grand jury with preparing its report. Factual findings in a report must be supported by a preponderance of the evidence admissible under the Alaska Rules of Evidence. The report shall be dated and signed by the foreperson, and shall certify that a majority of the grand jurors approved the report. A report issued under this subsection shall not be admitted as evidence in any proceeding.

~~(f) **Initial Judicial Review.** The grand jury shall present any proposed report to the presiding judge of the judicial district. The judge shall examine the report and the grand jury record before the grand jury is discharged. The judge may order production of audio copies or transcripts of the grand jury proceeding and may request the prosecuting attorney to submit a summary of the evidence presented to the grand jury. The judge shall make specific findings on the record as required by the following subparagraphs.~~

~~— (1) The judge shall determine first whether the investigation was conducted in accordance with subsections (a) — (e) and whether the report satisfies the requirements of subparagraphs (d)(2). If it does not, the judge shall proceed under subparagraph (f)(3).~~

~~— (2) The judge shall then determine if publication of the report would improperly infringe upon a constitutional right of any person, including but not limited to improper interference with a person's right to privacy or right to a fair trial in a pending or planned criminal proceeding. The judge shall make an ex parte on the record inquiry of the prosecuting attorney about any planned or pending criminal prosecutions related to the subject of the grand jury report.~~

~~— (3) If the judge determines that the report does not meet the standards of subsections (a)–(e), the judge shall return the report to the grand jury with an explanation of the reasons for returning the report. The grand jury may conduct further proceedings, revise the report, or seek appellate review of the judge's decision not to release the report.~~

(g) **Allegations of Criminal Conduct.** A grand jury investigating a matter under this rule may not return an indictment relating to the same or a substantially related matter, but upon the concurrence of a majority of the grand jurors, the grand jury may recommend a bill of proposed criminal charges for consideration by the prosecuting authority. The bill of proposed charges must specifically identify the person against whom the grand jury recommends charges, the statute the person is alleged to have violated, and the approximate date on which the violation is alleged to have occurred. The bill of proposed charges is confidential,

shall remain confidential notwithstanding the release of a related report, and shall not be disclosed in any proceeding.

~~(g) — **Judicial Review If Report Adversely Reflects on Identifiable Person.** If the judge determines that the standards of paragraph (f) are satisfied, the judge shall determine whether any part of the report may reflect adversely on any person who is named or otherwise identified in the report. “Person” includes a natural person or an organization, but does not include a governmental subdivision or agency. If the report may adversely reflect on any identifiable person, the judge shall proceed under the following subparagraphs (g)(1)–(5).~~

~~—— (1) — The judge shall order that notice of the report be provided to the person. The notice must advise the person of his or her rights as provided in this paragraph.~~

~~—— (2) — The person may move, within ten days of notice of the report, for a hearing. The hearing will be held in camera and on the record.~~

~~—— (3) — The person must be given a reasonable period of time prior to the hearing to examine the grand jury report and the record of the grand jury proceedings. A person receiving notice or a copy of the report and record may not disclose any matter occurring before the grand jury except as permitted by the court. Each person receiving these materials must be advised of this obligation.~~

~~—— (4) — The person named or otherwise identified in the report may be represented by counsel at the hearing and may present argument as to whether the standards stated in subparagraph (g)(5) are satisfied. The prosecuting attorney may be present at this hearing and may also present argument. Neither side may present evidence nor examine witnesses, except that the named or otherwise identifiable person may submit a written response to the grand jury report which the person may request that the court issue with the report under paragraph (h).~~

~~—— (5) — The judge shall determine at the close of the hearing whether that part of the report which may adversely reflect upon a named or otherwise identified person is supported by substantial evidence or, if raised at the hearing, whether the report satisfies the requirements of paragraph (f) of this rule and paragraph (g) of Criminal Rule 6. If the judge finds that these requirements are not satisfied, the judge shall return the report to the grand jury with an explanation of why the report has not been released. The court may request that the grand jury consider further evidence as to the named or otherwise identifiable person. The grand jury may conduct further proceedings, revise the report, or seek appellate review of the decision not to release the report.~~

(h) **Extension of Service and Discharge of Grand Jury.** The grand jury may request that the presiding judge extend its period of service to conduct an investigation. If the grand jury's service is extended, the presiding judge shall discharge the grand jury when

(1) the grand jury determines it will not issue a report under Rule 6.1(d)(2), or

(2) if the grand jury issues a report under Rule 6.1(d)(2), after the presiding judge concludes any proceedings on an objection and the grand jury's report is released.

~~(h) **Release of Report.**~~

~~— (1) — The court shall withhold publication of the report until the expiration of the time for making a motion for a hearing under paragraph (g). If such a motion is made, publication must be withheld pending a ruling on the motion or pending any review under paragraph (i). All proceedings under this rule are confidential until the judge orders the report released.~~

~~— (2) — If the judge finds that the standards of paragraphs (f) and (g) are met, the judge shall order the report released. The judge may order that a response to the report by a person named or otherwise identified, or other additional materials, be attached to the report as an appendix. The report and any appendices will be filed with the clerk of the court and made available for public inspection. The court shall also direct that copies of the report and any appendices be sent to other persons as reasonably requested by the grand jury.~~

~~— (3) — The court may withhold publication of the report for a reasonable time, if the court determines that withholding the publication of the report is necessary to preserve the investigative and prosecutorial function relating to the alleged criminal conduct.~~

(i) **Release of Report and Objections.** The following procedures apply to the release of a grand jury report and objections to the report.

(1) The grand jury shall present its report to the presiding judge. The foreperson or deputy foreperson may present the grand jury's report without the presence of other grand jury members. Except as provided below, the report and any appendices shall be filed with the clerk of court and made available for public inspection.

(2) The presiding judge shall review the report and determine if a person has a substantial interest that is likely to be affected by release of the report.

(A) If a person has a substantial interest that is likely to be affected by release of the report or the interests of justice otherwise require it, the presiding judge shall delay release of the

report and allow the person to lodge a written objection. If the presiding judge delays releasing the report, the presiding judge shall direct the attorney for the grand jury to serve the report and a notice of the right to object on the person. The attorney shall file proof of service with the court. The presiding judge shall further order that any person served with a copy of the report or the record shall not disclose the report or information in the record to any person except an attorney representing the person.

(B) Any person raising an objection under this subsection may, for good cause shown, examine the record. The person shall have 30 days from the date of service to file an objection to releasing the report. In the objection, the person must designate the page, paragraph, and line in the grand jury report to which the person objects. The objection must also specify the section of this rule that was not followed or the basis for requesting all or part of the report to remain confidential under the standards of Administrative Rule 37.6(b) or (c).

(C) The attorney for the grand jury shall have 10 days to respond to any objection filed.

(D) The presiding judge may hold oral argument on the objection and any response. The oral argument is confidential.

(E) The report and any proceedings on an objection under this subsection shall remain confidential until the presiding judge issues a final ruling on the objection.

(3) In ruling on an objection under paragraph (2), the presiding judge shall apply the standards in this rule and Administrative Rule 37.6(b) and (c). The presiding judge shall issue findings supporting the decision.

(A) If the person objecting to the report presents additional evidence, the presiding judge must determine if the additional evidence is material to the report. If so, the presiding judge shall return the report to the grand jury to consider the additional evidence.

(B) If subparagraph (i)(3)(A), above, does not apply, the presiding judge may order the report to be released in full, designate portions of the report as confidential, designate the entire report as confidential, or return the report to the grand jury with an explanation of the reasons for returning the report.

(4) In response to the presiding judge’s ruling in paragraph (i)(3), above, the grand jury may conduct further proceedings, revise the report, or seek appellate review of the judge’s order. If the grand jury issues a revised report, the presiding judge must determine if the deficiencies in the prior report are corrected in the revised report.

(5) Any person identified in a report may file a response to the released report. Any factual assertions contained in the response must be made under penalty of perjury. The response shall be made an appendix to the report.

(6) Any witness who testifies before the grand jury may request redaction of his or her name and personal identifying information from any final report that will be released under this rule. Before the witness testifies, the attorney assisting the grand jury shall notify the witness on record that he or she may request redaction. Any request for redaction shall be made on the record. The presiding judge shall apply the provisions of Administrative Rule 37.6(b) and (c) to any request under this subsection. This provision shall not be construed to confer on a witness a right to receive a copy of any report prior to its release.

(j)(i) Appeal.

(1) —A judicial determination under subsection (i) paragraph (h) of this rule is a final order for purposes of appeal. Such an appeal is to the supreme court and shall be governed by Appellate Rule 216(d)-(g) except that the appeal is to the Supreme Court. Any named or otherwise identifiable person, the state, or a majority of the grand jurors the grand jury by majority vote may seek review of the presiding judge’s decision.

~~(2) —The grand jury will be permitted access to the record of the in camera hearing to assist it in determining whether to pursue appellate review. The grand jury shall maintain the confidentiality of this record.~~

(k) Presiding Judge’s Designee. The presiding judge may assign a superior court judge as the presiding judge’s designee to conduct proceedings under this rule.

(l) Definitions. For the purposes of this rule, the following definitions apply:

(1) “Majority of the grand jurors” means more than half of the grand jurors comprising the grand jury when the grand jury was sworn and charged with instructions, after deducting the number not legally qualified.

(2) “Person” includes a natural person, an organization, or a governmental subdivision or agency.

(3) “Report” means a document issued by the grand jury under paragraph (d)(2) that includes findings, conclusions, or recommendations regarding its investigation. An indictment is not a “report” as used in this rule and Criminal Rule 6.

(4) “Resident” is a natural person who has established residency in the State of Alaska under AS 01.10.055.

2. Criminal Rule 6: The Grand Jury.

The proposed changes to Criminal Rule 6.1 require conforming changes to Criminal Rule 6. The references to a grand jury report in Rule 6 are deleted in subsections (g), (n), and (u); those references are no longer necessary. Subsection (j) is updated to clarify the standards and procedures in Rule 6 apply to grand jury procedures investigating a criminal matter. Subsection (j) is also updated to incorporate the subpoena provisions in Criminal Rule 6.1.

Here are the proposed changes:

Rule 6. The Grand Jury.

* * * *

(g) **Objections to Grand Jury and to Grand Jurors.** 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. 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 pursuant to paragraph (h) of this rule that a majority of the total number of grand jurors comprising the grand jury when the grand jury is sworn and charged with instructions, after deducting the number not legally qualified, concurred in finding the indictment ~~or making the report~~.

* * * *

(j) **Investigation of Crime Initiated by Grand Juror.** If a grand juror discloses to other grand jurors that he or she has reason to believe a crime has been committed that is triable by the court and proposes that the grand jury investigate that crime, the grand juror shall also disclose the belief to the prosecuting attorney. If approved by a majority of the grand jurors, the grand jury may investigate the facts and circumstances relating to the belief with the assistance and oversight of the prosecuting attorney, in accordance with the procedures and standards in this rule and Rule 6.1 ~~(e)(1), (d) and (e)(1)-(2)~~.

* * * *

(n) **Availability of Grand Jury Record to Defendant.** 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 the defendant may obtain a transcript of such proceedings and copies of such exhibits. The trial of the case shall not be delayed because of the failure of a defendant to request the transcript. ~~The availability of a grand jury report is governed by Criminal Rule 6.1.~~

* * * *

(u) **Delegation of Duties.** Whenever a superior court is sitting other than where the presiding judge is sitting, or the presiding judge is unavailable, the presiding judge may delegate duties under this rule to another judicial officer. ~~However, the presiding judge may delegate duties under Criminal Rule 6.1 only to another superior court judge.~~