

HOUSE BILL NO. 140

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-SIXTH LEGISLATURE - FIRST SESSION

BY REPRESENTATIVES COGHILL, Kawasaki

Introduced: 2/18/09

Referred: Judiciary

A BILL

FOR AN ACT ENTITLED

1 **"An Act relating to juries in criminal cases; and providing for an effective date."**

2 **BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:**

3 * **Section 1.** AS 12.45 is amended by adding a new section to read:

4 **Sec. 12.45.017. Role of jury.** (a) Except as otherwise provided by law, the jury
5 is the exclusive judge of the facts. The jury is bound to receive the law from the court
6 and be governed thereby, except if a jury determines that a defendant is guilty
7 according to the law and that the law is unjustly applied to the defendant, the jury may
8 determine not to apply the law to the defendant and find the defendant not guilty or
9 guilty of a lesser included offense.

10 (b) A defendant has the right to inform the jury of the jury's power to judge
11 the just application of the law and to vote on the verdict according to conscience.
12 Failure to allow the defendant to inform the jury of the jury's power is grounds for a
13 mistrial.

14 (c) Notwithstanding any other law, the court shall allow the defendant to
15 present to the jury, for its consideration, evidence and testimony relevant to the

1 exercise of the jury's power under this section.

2 (d) The state may rebut any evidence introduced under this section with
3 evidence of a similar nature.

4 (e) This section applies only to an action tried to a jury under applicable
5 criminal law. This section does not create a right to a jury.

6 (f) A potential juror may not be excused or disqualified from serving on a jury
7 because the juror expresses a willingness to exercise a power granted to the jury under
8 this section.

9 * **Sec. 2.** The uncodified law of the State of Alaska is amended by adding a new section to
10 read:

11 **APPLICABILITY.** This Act applies to juries impaneled on or after the effective date
12 of this Act.

13 * **Sec. 3.** This Act takes effect immediately under AS 01.10.070(c).