



Alaska State Legislature
Senator Con Bunde
Senate District P
Vice Chair: Senate Finance Committee
Chair: Senate Labor & Commerce Committee

SPONSOR STATEMENT

SB 206

“An Act relating to material witnesses; amending Rule 58.1, Alaska Rules of Civil Procedure, and Rule 204, Alaska Rules of Appellate Procedure; and providing for an effective date.”

Written in Alaska’s constitution is an acknowledgement of an individual’s freedom and an individual’s corresponding obligation to our state. Striking a balance between the needs of society to prosecute crime, the rights of a defendant to witnesses on their behalf and the right of an individual to be free from unreasonable arrest is the central issue in Senate Bill 206 Detention of Material Witnesses.

A material witness is a “witness whose testimony is crucial to either the defense or prosecution.”¹ Regrettably, citizens do not always come forward to fulfill their “corresponding obligations” as a witness during the investigation or prosecution of a crime. Nearly all states and the federal government have adopted statutes dealing with the pretrial confinement of material witnesses and SB 206 sets the guidelines and protections for issuing a material witness order in the state of Alaska.

Giving the court system the ability to compel a person to testify protects both the needs of society and the rights of the individual. For law enforcement officials, material witnesses can be the deciding factor in bringing indictments and prosecuting crime. For defendants, a material witness order can ensure that testimony crucial to their defense is offered. For individuals, the process in SB 206 protects them from unreasonable arrests or confinement.

SB 206 attempts to balance these competing interests to give law enforcement officials tools to fight crime and individuals testimony crucial to their defense.
