

# Alaska State Legislature

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## Representative Kevin Meyer District 30

**Last Updated:** January 9, 2006

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## Detention of Material Witnesses *Sponsor Statement for HB 323*

***“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 House Bill 323 Detention of Material Witnesses.

A material witness is a “witness whose testimony is crucial to either the defense or prosecution.”<sup>1</sup> 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 HB 323 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 HB 323 protects them from unreasonable arrests or confinement.

HB 323 attempts to balance these competing interests to give law enforcement officials tools to fight crime and individuals testimony crucial to their defense.

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<sup>1</sup> Black’s Law Dictionary 826 (5<sup>th</sup> ed. abridged 1983)