

Introduced by: Bjorkman, Elam
Date: 01/04/22
Hearing: 01/18/22
Action: Introduced and Set for
Public Hearing on 01/18/22
Vote: 8 Yes, 1 No, 0 Absent
Date: 01/18/22
Action: Adopted as Amended
Vote: 8 Yes, 0 No, 1 Absent

**KENAI PENINSULA BOROUGH
RESOLUTION 2022-004**

**A RESOLUTION SUPPORTING THE CONSTITUTIONAL RIGHT OF ALASKA
GRAND JURIES TO INVESTIGATE AND MAKE RECOMMENDATIONS ON PUBLIC
WELFARE AND SAFETY CONCERNS**

WHEREAS, Article 1, Section 8 of the Constitution of the State of Alaska states, “The power of grand juries to investigate and make recommendations concerning the public welfare or safety shall never be suspended”; and

WHEREAS, public welfare and safety is protected by the rule of law and equal protection under the law. These tenets are keystones in self-governing societies and essential to public accountability, transparency and trust in our system of justice; and

WHEREAS, Alaska Statute 12.40.030 – section titled “Duty of inquiry into crimes and general powers” – provides, “The grand jury shall inquire into all crimes committed or triable within the jurisdiction of the court and present them to the court. The grand jury shall have the power to investigate and make recommendations concerning the public welfare or safety”; and

WHEREAS, Alaska Statute 12.40.040 – section titled “Juror to disclose knowledge of crime” – provides, “If an individual grand juror knows or has reason to believe that a crime has been committed that is triable by the court, the juror shall disclose it to the other jurors, who shall investigate it”; and

WHEREAS, the Alaska Grand Jury Handbook, page 26, states that grand jury investigations can be initiated “by members of the grand jury” and that we believe public requests for a grand jury investigation should be given to the grand jury; and

WHEREAS, constituents allege that grand juries in Kenai and Anchorage have been denied their constitutional right and duty to investigate and recommend on public welfare and safety concerns; and

WHEREAS, over 500 signatures on a public petition, asking for a grand jury investigation into serious public welfare and safety concerns, has not been given to the grand jury; and

WHEREAS, the oath of office that all elected members of this assembly take, require that we protect and defend the Constitution of the State of Alaska; and

WHEREAS, the alleged denial of constitutional rights guaranteed by the Constitution of the State of Alaska is of great concern to this elected body of Alaskan citizens;

NOW, THEREFORE, BE IT RESOLVED BY THE ASSEMBLY OF THE KENAI PENINSULA BOROUGH:


SECTION 1. That the assembly supports the need for a mechanism for grand juries to investigate and make recommendations concerning the public welfare or safety pursuant to Article 1, Section 8 of the Constitution of the State of Alaska. The assembly requests the legislature enact legislation that provides an adequate mechanism under state law for the public to trigger independent grand jury investigations.

SECTION 2. That the assembly upholds the federal and state constitutional principles of the rule of law and equal protection under the law. These principles are the bedrocks of self-governing societies and they are essential to building and maintaining accountability, transparency, and trust in our system of justice.

SECTION 3. That a copy of this resolution shall be provided to the Governor of the State of Alaska, the Alaska Legislature, the Alaska Attorney General, the Kenai and Anchorage District Attorneys, the presiding judges in both Kenai and Anchorage, and to the Alaska Supreme Court.

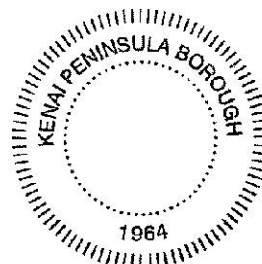
SECTION 4. That this resolution is effective immediately upon its adoption.

ADOPTED BY THE ASSEMBLY OF THE KENAI PENINSULA BOROUGH THIS 18TH DAY OF JANUARY, 2022.


Brent Johnson, Assembly President

ATTEST:


John Blankenship, MMC, Borough Clerk



Yes: Bjorkman, Chesley, Cox, Derkevorkian, Ecklund, Elam, Tupper, Johnson
No: None
Absent: Hibbert