

IN THE SUPREME COURT OF THE STATE OF ALASKA

ORDER NO. 1267

Amending Criminal Rule 41
concerning bail.

IT IS ORDERED:

1. Criminal Rule 41 is amended to include new paragraphs (b) and (c) which provide:

(b) Misdemeanor Bail Schedule. (1) The presiding judge of each judicial district may adopt, under Administrative Rule 46, a misdemeanor bail schedule for use in each community within that district. Before adopting a schedule for a community, the presiding judge shall consult with the judicial officers in that community who regularly set bail in misdemeanor cases.

(2) Any order adopting a misdemeanor bail schedule must provide that the arresting police agency may apply to a judicial officer for a different bail. The order must also provide that a judicial officer must be contacted at the defendant's request if the defendant is immediately unable to post the scheduled amount in any case in which circumstances exist indicating that protection of the public and the defendant's appearance at subsequent proceedings can be reasonably assured by one of the following:

(A) release on personal recognizance;

(B) release on other appropriate conditions;

(C) the execution of an unsecured appearance bond in an amount equal to or less than the scheduled bail amount, and the deposit in cash or other security of not more than 10 per cent of the amount of the bond; or

(D) the execution of a bail bond in an amount less than the scheduled bail amount, secured by cash or other solvent sureties.

(3) A misdemeanor bail schedule may not be set for crimes involving domestic violence as defined in AS 18.66.990 or for the crime of stalking under AS 11.41.270.

(c) Other Bail Schedules. No bail schedule shall be established for felonies.

2. Existing paragraphs (b) through (d) of Criminal Rule 41 are relettered (d) through (f) respectively.

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DATED: April 17, 1997

EFFECTIVE DATE: July 15, 1997

/s/
Chief Justice Compton

/s/
Justice Matthews

/s/
Justice Eastaugh

/s/
Justice Fabe

/s/
Justice Bryner