

IN THE SUPREME COURT OF THE STATE OF ALASKA
ORDER NO. 1582

Implementing Chapter 70 SLA 2005 (SB 154) and Chapter 65 SLA 2005 (HB 54) mandating direct court rule changes and noting indirect court rule changes as follows:

Amending Delinquency Rule 3(e) concerning telephonic and televised participation and adding a Note to Delinquency Rule 3 concerning the direct rule amendment made Chapter 70 SLA 2005;

Adding Notes to Delinquency Rules 2, 3, 4, 8, 12, 13, 14, 15, 16, 21, 22, 23, 24.1, and 25 concerning indirect court rule amendments noted in Chapter 70 SLA 2005; and

Adding Notes to Criminal Rule 27 and Delinquency Rule 21 concerning indirect court rule amendments noted in Chapter 65 SLA 2005.

IT IS ORDERED:

1. The following note is added to the end of Alaska Delinquency Rule 2:

Note: Chapter 70 SLA 2005 (SB 154) enacted changes concerning proceedings relating to delinquent minors. According to section 10 of the Act, the changes made by sections 1-8 of the Act have the effect of amending Delinquency Rule 2(n) by requiring the court to conform

the rule to the statutory changes to acknowledge the inclusion of certain persons 18 years of age or over as minors under AS 47.12 and AS 47.14 and to acknowledge the special statutory provisions contained in sections 1-8 of the Act applicable to those persons.

2. Alaska Delinquency Rule 3(e) is amended to read as follows:

Rule 3. Hearings.

* * * *

(e) Telephonic and Televised Participation.

(1) The juvenile has the right to be physically present in court for arraignment, adjudication, disposition, probation revocation, extension of jurisdiction, and waiver of jurisdiction hearings; however, the juvenile may waive the right to be present. At all other hearings, the court, upon application of any party, may allow telephonic participation by the juvenile if the juvenile's personal appearance is not essential to the fair disposition of the matter, telephonic participation is not unfair to the juvenile, and personal contact between counsel and the juvenile is not needed for case preparation. The ~~However, the~~ court has discretion to allow telephonic participation by other parties. The juvenile's waiver of the right to be physically present may be obtained orally on the record or in writing.

(2) The court may allow telephonic participation of witnesses only upon stipulation of the juvenile and the Department, except that the court may allow telephonic participation of witnesses without the consent of the

parties at disposition, disposition review or temporary detention hearings.

(3) In those court locations in which a television system has been approved by the supreme court and has been installed, juveniles in custody may appear by way of television with the consent of the juvenile and with the approval of the court for hearings in which the juvenile has a right to be physically present under (1) of this section. If the court has allowed telephonic participation by the juvenile in a hearing, participation may also be by television. Appearance by television or telephone shall not be allowed at adjudication trials or at any hearings in which sworn testimony is to be presented.

* * * *

3. The following note is added to the end of Alaska Delinquency Rule 3:

Note: Chapter 70, section 9, SLA 2005 (SB 154) amended Delinquency Rule 3(e) as reflected in section 2 of this Order. The changes to Delinquency Rule 3(e) are adopted for the sole reason that the legislature has mandated the amendments. In addition, according to section 10 of the Act, the changes made by sections 1-8 of the Act have the effect of amending Delinquency Rule 3(b) and (c) by requiring the court to conform the rule to the statutory changes to acknowledge the inclusion of certain persons 18 years of age or over as minors under AS 47.12 and AS 47.14 and to acknowledge the special statutory provisions contained in sections 1-8 of the Act applicable to those persons.

4. The following note is added to the end of Alaska Delinquency Rule 4:

Note: Chapter 70 SLA 2005 (SB 154) enacted changes concerning proceedings relating to delinquent minors. According to section 10 of the Act, the changes made by sections 1-8 of the Act have the effect of amending Delinquency Rule 4(f)(3) by requiring the court to conform the rule to the statutory changes to acknowledge the inclusion of certain persons 18 years of age or over as minors under AS 47.12 and AS 47.14 and to acknowledge the special statutory provisions contained in sections 1-8 of the Act applicable to those persons.

5. The following note is added to the end of Alaska Delinquency Rule 8:

Note: Chapter 70 SLA 2005 (SB 154) enacted changes concerning proceedings relating to delinquent minors. According to section 10 of the Act, the changes made by sections 1-8 of the Act have the effect of amending Delinquency Rule 8(b) and (c) by requiring the court to conform the rule to the statutory changes to acknowledge the inclusion of certain persons 18 years of age or over as minors under AS 47.12 and AS 47.14 and to acknowledge the special statutory provisions contained in sections 1-8 of the Act applicable to those persons.

6. The following note is added to the end of Alaska Delinquency Rule 12:

Note: Chapter 70 SLA 2005 (SB 154) enacted changes concerning proceedings relating to delinquent minors. According to section 10 of the Act, the changes made by

sections 1-8 of the Act have the effect of amending Delinquency Rule 12(b), (c), (d), and (e) by requiring the court to conform the rule to the statutory changes to acknowledge the inclusion of certain persons 18 years of age or over as minors under AS 47.12 and AS 47.14 and to acknowledge the special statutory provisions contained in sections 1-8 of the Act applicable to those persons.

7. The following note is added to the end of Alaska Delinquency Rule 13:

Note: Chapter 70 SLA 2005 (SB 154) enacted changes concerning proceedings relating to delinquent minors. According to section 10 of the Act, the changes made by sections 1-8 of the Act have the effect of amending Delinquency Rule 13 by requiring the court to conform the rule to the statutory changes to acknowledge the inclusion of certain persons 18 years of age or over as minors under AS 47.12 and AS 47.14 and to acknowledge the special statutory provisions contained in sections 1-8 of the Act applicable to those persons.

8. The following note is added to the end of Alaska Delinquency Rule 14:

Note: Chapter 70 SLA 2005 (SB 154) enacted changes concerning proceedings relating to delinquent minors. According to section 10 of the Act, the changes made by sections 1-8 of the Act have the effect of amending Delinquency Rule 14(b) by requiring the court to conform the rule to the statutory changes to acknowledge the inclusion of certain persons 18 years of age or over as minors under AS 47.12 and AS 47.14 and to acknowledge

the special statutory provisions contained in sections 1-8 of the Act applicable to those persons.

9. The following note is added to the end of Alaska Delinquency Rule 15:

Note: Chapter 70 SLA 2005 (SB 154) enacted changes concerning proceedings relating to delinquent minors. According to section 10 of the Act, the changes made by sections 1-8 of the Act have the effect of amending Delinquency Rule 15(a) by requiring the court to conform the rule to the statutory changes to acknowledge the inclusion of certain persons 18 years of age or over as minors under AS 47.12 and AS 47.14 and to acknowledge the special statutory provisions contained in sections 1-8 of the Act applicable to those persons.

10. The following note is added to the end of Alaska Delinquency Rule 16:

Note: Chapter 70 SLA 2005 (SB 154) enacted changes concerning proceedings relating to delinquent minors. According to section 10 of the Act, the changes made by sections 1-8 of the Act have the effect of amending Delinquency Rule 16(a) and (b) by requiring the court to conform the rule to the statutory changes to acknowledge the inclusion of certain persons 18 years of age or over as minors under AS 47.12 and AS 47.14 and to acknowledge the special statutory provisions contained in sections 1-8 of the Act applicable to those persons.

11. The following notes are added to the end of Alaska Delinquency Rule 21:

Note: Chapter 70 SLA 2005 (SB 154) enacted changes concerning proceedings relating to delinquent minors. According to section 10 of the Act, the changes made by sections 1-8 of the Act have the effect of amending Delinquency Rule 21(g) by requiring the court to conform the rule to the statutory changes to acknowledge the inclusion of certain persons 18 years of age or over as minors under AS 47.12 and AS 47.14 and to acknowledge the special statutory provisions contained in sections 1-8 of the Act applicable to those persons.

Note: Chapter 65, section 6, SLA 2005 (HB 54) amended AS 47.12.110 relating to the introduction of the victim and the minor to the jury. According to section 8 of the Act, section 6 of the Act has the effect of amending Delinquency Rule 21 by allowing the introduction of the victim and the minor at an adjudication hearing.

12. The following note is added to the end of Alaska Delinquency Rule 22:

Note: Chapter 70 SLA 2005 (SB 154) enacted changes concerning proceedings relating to delinquent minors. According to section 10 of the Act, the changes made by sections 1-8 of the Act have the effect of amending Delinquency Rule 22(c) by requiring the court to conform the rule to the statutory changes to acknowledge the inclusion of certain persons 18 years of age or over as minors under AS 47.12 and AS 47.14 and to acknowledge the special statutory provisions contained in sections 1-8 of the Act applicable to those persons.

13. The following note is added to the end of Alaska Delinquency Rule 23:

Note: Chapter 70 SLA 2005 (SB 154) enacted changes concerning proceedings relating to delinquent minors. According to section 10 of the Act, the changes made by sections 1-8 of the Act have the effect of amending Delinquency Rule 23(b) by requiring the court to conform the rule to the statutory changes to acknowledge the inclusion of certain persons 18 years of age or over as minors under AS 47.12 and AS 47.14 and to acknowledge the special statutory provisions contained in sections 1-8 of the Act applicable to those persons.

14. The following note is added to the end of Alaska Delinquency Rule 24.1:

Note: Chapter 70 SLA 2005 (SB 154) enacted changes concerning proceedings relating to delinquent minors. According to section 10 of the Act, the changes made by sections 1-8 of the Act have the effect of amending Delinquency Rule 24.1(d) by requiring the court to conform the rule to the statutory changes to acknowledge the inclusion of certain persons 18 years of age or over as minors under AS 47.12 and AS 47.14 and to acknowledge the special statutory provisions contained in sections 1-8 of the Act applicable to those persons.

15. The following note is added to the end of Alaska Delinquency Rule 25:

Note: Chapter 70 SLA 2005 (SB 154) enacted changes concerning proceedings relating to delinquent minors. According to section 10 of the Act, the changes made by

sections 1-8 of the Act have the effect of amending Delinquency Rule 25(b) and (c)(4) by requiring the court to conform the rule to the statutory changes to acknowledge the inclusion of certain persons 18 years of age or over as minors under AS 47.12 and AS 47.14 and to acknowledge the special statutory provisions contained in sections 1-8 of the Act applicable to those persons.

16. The following note is added to the end of Alaska Rule of Criminal Procedure 27:

Note: Chapter 65, section 3, SLA 2005 (HB 54) enacted new AS 12.45.015 relating to the introduction of the victim and the defendant to the jury. According to section 7 of the Act, section 3 of the Act has the effect of amending Criminal Rule 27 by changing the order of proceedings of a trial before a jury.

DATED: August 11, 2005

EFFECTIVE DATE: Nunc pro tunc to July 14, 2005

/s/
Chief Justice Bryner

/s/
Justice Matthews

/s/
Justice Eastaugh

/s/
Justice Fabe

/s/
Justice Carpeneti