

IN THE SUPREME COURT OF THE STATE OF ALASKA
ORDER NO. 1644

Amending Criminal Rule 18
concerning venue, and adding a
Note to Criminal Rule 18 to
reference the venue map.

IT IS ORDERED:

1. Criminal Rule 18 is amended to read as follows:

Rule 18. Venue: Place of Trial.

(a) **Venue Districts.** The venue map promulgated by the supreme court establishes the district and superior court venue districts and the presumptive trial site for each district. The venue map includes a chart listing each community that appears on the map along with each community's presumptive district court trial site and presumptive superior court trial site.—Districts establishing venue for all criminal cases shall be devised and promulgated by the supreme court in the form of a map. The map shall indicate venue district boundaries for each existing court location capable of holding six-person jury trials or both six and twelve-person jury trials.

(b) Determination of Trial Location.

(1) Initial Assignment. A criminal case must be initially assigned for trial at the presumptive trial site for the district or superior court venue district, as determined by reference to the venue map and community chart described in (a) of this rule, in which the crime is alleged to have occurred.

(2) Transfer to Approved Additional Trial Site. As provided in (e) of this rule, the defendant may cause venue to be transferred

to a trial site on the list of approved additional trial sites described in (d) of this rule.

(3) *Change of Venue.* Either party may move to change venue as provided in (g) of this rule.

~~(b) **Trial Location Assignment.** When a request for trial is made, all cases shall be initially assigned to:~~

~~(1) The existing court location;~~

~~(2) Nearest to the situs of the alleged crime;~~

~~(3) Within the venue district;~~

~~(4) That has a judge and facilities for either a six-person or twelve-person jury as is necessary to the case.~~

(c) **Additional Trial Site Standards.** Subject to supreme court approval, the administrative director shall devise and promulgate an administrative bulletin establishing minimum standards for additional trial sites ~~locations~~, including standards for courtroom needs and standards for transportation, housing, and feeding of all trial participants.

(d) ~~**Approved List of Approved Additional Trial Sites.** The administrative director shall promulgate an administrative bulletin listing cause to be made a list of approved additional trial sites locations for six- and twelve-person juries meeting the standards established under subsection (c) of this rule. Changes in the list may be made as follows:~~

~~(1) Approval shall be determined during an annual investigation by office of the administrative director.~~

~~(2) The locations shall be approved as trial sites for six-person juries, twelve-person juries, or both.~~

~~(1)(3)~~ A presiding judge, area court administrator, town council, or similar public representative group, or the attorney general, the public defender, or the public advocate may

~~ask~~~~make application to the office of the administrative director for an investigation to determine whether a community should be added to or deleted from the list~~~~seeking approval of a community as a trial site.~~

~~(2)(4) The administrative director will distribute. The approved list of approved additional trial sites locations shall be annually distributed to the attorney general, the public defender, and the public advocate, and the Alaska Bar Association office.~~

(e) **Motion To Transfer by Right.** After assignment to ~~the presumptive trial site~~~~an initial existing court location~~, a defendant may move by right for the setting of venue in an approved ~~additional trial site location~~ within the venue district where the crime charged is alleged to have occurred if such ~~site~~~~location~~ is the ~~trial site~~~~community~~ within the venue district with trial facilities nearest the place where the ~~alleged crime~~ charged is alleged to have occurred ~~was committed~~. This right is waived unless ~~requested by the defendant or the defendant's attorney~~ requests the transfer prior to or at the entry of a plea in felony cases, or within five~~ten~~ days after~~of~~ the defendant enters ~~entry of a plea,~~ absent good cause for an extension of this time limit. ~~in misdemeanor cases.~~

(f) **Fair Cross-Section.** If the trial location assignment under the above subsections will not provide a petit jury which is a representative cross-section of the appropriate community, the trial court on its own motion or that of ~~a party~~~~the parties~~ may ~~proceed~~ change the jury selection area as provided in Administrative Rule 15(c).

(g) **Change of Venue.** Any other motion for a change of venue shall be determined under the standards listed in AS 22.10.040.

(h) **Limitations of Rule.** The presumptive trial sites established by this rule do not determine the court location where a criminal case must be filed or the court location where pretrial proceedings take place.

2. The following Note is added at the end of Criminal Rule 18:

NOTE: The venue map promulgated by the supreme court and the community chart referenced in subsection (a) of this rule are available on the Alaska Court System website at <http://www.state.ak.us/courts/venuemapinfo.htm>, and are also published at the end of this rule.

DATED: June 26, 2007

EFFECTIVE DATE: October 15, 2007

/s/
Chief Justice Fabe

/s/
Justice Matthews

/s/
Justice Eastaugh

/s/
Justice Bryner

/s/
Justice Carpeneti