

IN THE SUPREME COURT OF THE STATE OF ALASKA
ORDER NO. 1701

Amending Criminal Rule 32.1
concerning presentence reports
and Rule 11.

IT IS ORDERED:

Criminal Rule 32.1(a)(1) and (b)(1) are amended to read as follows:

Rule 32.1. Presentence Procedure for Felony Sentencings.

(a) Scheduling & Preliminary Filings.

(1) At the time guilt in a felony case is established by verdict or plea, the judge shall establish the date for a sentencing hearing and a presentencing hearing, if appropriate, and, except as provided in paragraph (g) of this rule or in Criminal Rule 11(e)(1), shall order a presentence investigation by the Department of Corrections. The judge may order a presentence investigation in a case in which an investigation is not required under paragraph (g). If the judge elects to schedule a single hearing, all of the procedures for the presentencing and sentencing hearings shall be applicable at the single hearing.

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(b) Presentence Investigation and Report.

(1) *Contents and Filing.* The Department of Corrections shall prepare a presentence report unless the court accepts the parties' sentencing agreement and decides to proceed without a presentence report pursuant to Criminal Rule 11(e)(1). The report shall be filed with the court and served on counsel at least

30 days before the sentencing hearing, or 30 days before the presentencing hearing, if one is scheduled. The report shall contain all of the defendant's prior criminal convictions and findings of delinquency and any other information about the defendant's characteristics, financial condition, and the circumstances affecting the defendant's behavior that may be helpful in fashioning the defendant's sentence, a victim impact statement, and any other information required by the judge. The presentence report shall comply with the Victims' Rights Act, AS 12.61.100 - 12.61.150 and AS 12.55.022.

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DATED: March 19, 2009

EFFECTIVE DATE: October 15, 2009

/s/
Chief Justice Fabe

/s/
Justice Matthews

/s/
Justice Eastaugh

/s/
Justice Carpeneti

/s/
Justice Winfree