

**IN THE SUPREME COURT OF THE STATE OF ALASKA**  
**ORDER NO. 1787**

Adding a Note to Criminal Rule 32.1 concerning indirect rule amendments made by Chapter 70 SLA 2012 (SB 210).

Amending Criminal Rule 12(h) and adding a Note to implement direct court rule amendments made by chapter 71 SLA 2012 (SB 86);

Amending Criminal Rule 45(a) and adding a Note to implement direct court rule amendments made by chapter 71 SLA 2012 (SB 86); and

Adding Notes to Probate Rule 17, Administrative Rule 9, and Civil Rule 77 concerning indirect rule amendments made by chapter 71 SLA 2012 (SB 86).

**IT IS ORDERED:**

1. The following note is added to the end of Criminal Rule 32.1:

**Note:** Chapter 70 SLA 2012 (SB 210) added new subsections to AS 12.55.125 and AS 12.55.155 relating to sentencing procedures, effective July 1, 2012. According to section 16 of the Act, AS 12.55.125(p), enacted by section 12, and AS 12.55.155(i), enacted by section 13, have the effect of amending

Alaska Rule of Criminal Procedure 32.1, by amending procedures for sentencing persons convicted of certain crimes.

2. Criminal Rule 12(h) is amended to read as follows:

**Rule 12. Pleadings and Motions Before Trial--Defenses and Objections.**

\* \* \* \*

(h) **Continuance of Trial.** A motion for continuance of a trial date will be granted by the court only for cause shown. In deciding whether to grant the motion, the court shall consider the victim's circumstances and the effect the delay would have on the victim, particularly a victim of advanced age or extreme youth. The court shall place its findings on the record. The presiding judge of a judicial district may require that a visiting or pro tem judge obtain approval from the presiding judge before granting any continuance of trial.

3. The following Note is added to the end of Criminal Rule 12:

**Note:** Chapter 71, section 46, SLA 2012 (SB 86), effective July 1, 2012, amended Criminal Rule 12(h) relating to the protection of vulnerable adults, as reflected in section 2 of this Order. The changes to Criminal Rule 12(h) are adopted for the sole reason that the legislature has mandated the amendments.

4. Criminal Rule 45(a) is amended to read as follows:

**Rule 45. Speedy Trial.**

(a) **Priorities in Scheduling Criminal Cases.** The court shall provide for placing criminal proceedings upon appropriate calendars. Preference shall be given to criminal proceedings and the trial of defendants in custody shall be given preference over other criminal cases. The court shall consider the circumstances of the victim, particularly a victim of advanced age or extreme youth, in setting the trial date. Trial dates in criminal cases in the superior court shall be set at the time of arraignment, and if a trial date is thereafter vacated, the trial shall be immediately set for a date certain.

\* \* \* \*

5. The following Note is added to the end of Criminal Rule 45:

**Note:** Chapter 71, section 47, SLA 2012 (SB 86), effective July 1, 2012, amended Criminal Rule 45(a) relating to the protection of vulnerable adults, as reflected in section 4 of this Order. The changes to Criminal Rule 45(a) are adopted for the sole reason that the legislature has mandated the amendments.

6. The following Note is added to the end of Probate Rule 17:

**Note:** Chapter 71 SLA 2012 (SB 86) added new sections to AS 13.26 relating to the protection of vulnerable adults, effective July 1, 2012. According to section 48(a) of the Act, AS 13.26.207, 13.26.208, and 13.26.209(a) – (g), enacted by section 10, have the effect of amending Alaska Rule of Probate Procedure 17, relating to conservatorships and protective proceedings, by allowing ex parte and temporary orders and modifications of orders to be issued related to protecting the

assets of a person otherwise subject to AS 13.26.165 from financial exploitation.

7. The following Note is added to the end of Administrative Rule 9:

**Note:** Chapter 71 SLA 2012 (SB 86) added new sections to AS 13.26 relating to the protection of vulnerable adults, effective July 1, 2012. According to section 48(b) of the Act, AS 13.26.209(h), enacted by section 10, has the effect of amending Alaska Rule of Administration 9, by requiring that filing fees may not be charged for a petition for an ex parte protective order under AS 13.26.207, for an application for a temporary order under AS 13.26.208, or for modification of a protective order under AS 13.26.209(a).

8. The following Notes are added to the end of Civil Rule 77:

**Notes:** Chapter 71 SLA 2012 (SB 86) added new sections to AS 13.26 relating to the protection of vulnerable adults, effective July 1, 2012. According to section 48(c) of the Act, AS 13.26.206, enacted by section 10, has the effect of amending Alaska Rule of Civil Procedure 77, by requiring a hearing within 72 hours of the filing of a petition for the appointment of a temporary conservator. According to section 48(d) of the Act, AS 13.26.208, enacted by section 10, has the effect of amending Alaska Rule of Civil Procedure 77, by providing for a hearing on an application for a temporary protective order on 10 days' notice. According to section 48(e) of the Act, AS 13.26.209(a) and (b), enacted by section 10, have the effect of amending Alaska Rule of Civil Procedure 77, by providing for a hearing on a request for modification of a protective order on 20 days' notice

and for modification of an ex parte protective order on three days' notice.

DATED: July 12, 2012

EFFECTIVE DATE: *nunc pro tunc* July 1, 2012

/s/  
Chief Justice Fabe

/s/  
Justice Carpeneti

/s/  
Justice Winfree

/s/  
Justice Stowers