

IN THE SUPREME COURT OF THE STATE OF ALASKA
ORDER NO. 1822

Amending Administrative
Rule 40(a) by adding new
paragraphs and adding a note
concerning the removal of certain
dismissed cases from the public
index of cases.

IT IS ORDERED:

1. Administrative Rule 40(a) is amended to read as follows:

Rule 40. Index to Cases.

(a) The court system shall maintain an index by last name of every party named in every case filed, regardless of whether a party's true name is protected in the public index under paragraphs (b) or (c) of this rule. The index must show the party's name, the case number, the case caption or title, the filing date, the case type, and other information required for that case type by court rule. The index may show the party's date of birth. The court system shall publish a public version of the index, which excludes only

(1) cases designated as confidential or sealed by statute or court rule, unless the index to those cases is public under court rules;

(2) foreign domestic violence protective orders filed under AS 18.66.140;

(3) criminal cases dismissed because the prosecuting authority declined to file a charging document;

(4) criminal cases dismissed for lack of probable cause under Criminal Rule 5(d);

(5) criminal cases dismissed for an identity error under Criminal Rule 43(d);

(6) criminal cases dismissed because the named defendant is a minor wrongly charged in adult court with an offense within the jurisdiction for delinquency proceedings under AS 47.12.020;

(7) minor offense cases dismissed for an identity error under Minor Offense Rule 11(c);

(8) domestic violence protective order cases dismissed at or before the hearing on an ex parte petition because there is not sufficient evidence that the petitioner is a victim of domestic violence as defined by AS 18.66.990(3) or there is not sufficient evidence that the petitioner is a household member as defined by AS 18.66.990(5);

(9) stalking or sexual assault protective order cases dismissed at or before the hearing on an ex parte petition because there is not sufficient evidence that the petitioner is a victim of stalking as defined by AS 11.41.270 or sexual assault as defined in AS 18.66.990(9); and

(10) party names protected under paragraphs (b) or (c) of this rule.

The court system shall continue to list a case on the public index even though the case file has been sealed or made confidential under Administrative Rule 37.6, unless the party names were protected under paragraphs (b) or (c) of this rule. The public index will be available to the public in electronic form except as limited by Administrative Rule 37.8.

* * * *

2. A new note is added to Administrative Rule 40 that reads as follows:

Note to SCO 1822—adding new paragraphs (a)(3) to (a)(9):

This rule change applies to cases that were dismissed or closed prior to its effective date.

DATED: May 30, 2014

EFFECTIVE DATE: August 1, 2014

/s/
Chief Justice Fabe

/s/
Justice Winfree

/s/
Justice Stowers

/s/
Justice Maassen

/s/
Justice Bolger