

IN THE SUPREME COURT OF THE STATE OF ALASKA
ORDER NO. 1836

Amending Criminal Rule 37(e)
concerning limitations on access
to warrant information.

IT IS ORDERED:

Criminal Rule 37 is amended to read as follows:

Rule 37. Search and Seizure.

* * * *

(e) Limitations on Access to Confidentiality of Warrant Information.

(1) The record of proceedings under this rule and all documents related to those proceedings, including search warrants, affidavits, receipts and inventories, must be kept sealed until charges related to the warrant have been filed or four years have elapsed since the issuance of the warrant. However, the court may order prior release of these documents for good cause shown.

(2) After charges related to the warrant are filed, the record of proceedings and all related documents shall be open to public inspection unless the court, for good cause shown, orders that the documents remain sealed for a further period. The initial charging document in all prosecutions must be accompanied by a listing of the numbers of all warrants issued in relation to the case unless the court waives this requirement for good cause shown.

(3) If four years have elapsed since the issuance of the warrant and no charges related to the warrant have been filed, the record of proceedings and all related documents shall be unsealed and shall thereafter be deemed “confidential” as defined in the Administrative Rules and Bulletins. For good cause shown, the court may delay the unsealing.

(4) The court will provide access to the record of proceedings and related documents to defense counsel upon request. In accordance with AS 12.61.120(a), defense counsel shall not disclose the address and telephone number of a victim or witness to the defendant. If the defendant is proceeding without counsel and requests access to the records, the court shall protect the address and telephone number of a victim or witness as provided in AS 12.61.120(b).

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Note: The Administrative Bulletin defining “confidential” and “sealed” is Administrative Bulletin No. 48, Standard 6. The definitions are also set out in Administrative Rule 37.5(c)(4) and (5). Administrative Bulletin 53, Section IV, discusses how information made confidential by sanitizing search warrants in accordance with the Victims’ Rights Act is protected after the search warrants are no longer confidential under this rule.

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Cross References

(a) **CROSS REFERENCE:** AS 12.35.010; AS 12.35.020

(b) **CROSS REFERENCE:** AS 12.36

(c) **CROSS REFERENCE:** AS 12.61.120

DATED: July 9, 2014

EFFECTIVE DATE: October 15, 2014

/s/
Chief Justice Fabe

/s/
Justice Winfree

/s/
Justice Stowers

/s/
Justice Maassen

/s/
Justice Bolger