

IN THE SUPREME COURT OF THE STATE OF ALASKA
ORDER NO. 1929

Amending Criminal Rules 4(a)(2) and
9(a) to align standards for issuing
summons and warrants.

IT IS ORDERED:

1. Criminal Rule 4 is amended to read as follows:

Rule 4. Warrant or Summons Upon Complaint.

(a) **Issuance.**

(1) *Probable Cause.* * * * *

(2) *Summons or Warrant.* The court must issue a summons as opposed to a warrant unless the judge or magistrate judge finds that an arrest is necessary to ensure the defendant's presence in court, or that an arrest is necessary because the defendant poses a danger to a victim, other persons, or the community.

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2. Criminal Rule 9 is amended to read as follows:

Rule 9. Warrant or Summons Upon Indictment or Information.

(a) **Issuance of Summons or Warrant.** Upon the return of the indictment or filing of the information, the court shall issue either a summons or a warrant for each defendant named in the indictment or information unless the defendant is already on bail or recognizance for the same offense(s). The court must issue a summons as opposed to a warrant unless the court finds that an arrest is necessary to ensure

the defendant's presence in court, or that an arrest is necessary because the defendant poses a danger to a victim, other persons, or the community. No summons or warrant may issue for a defendant named in an information unless the allegations are supported by statements made under oath.

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DATED: August 7, 2018

EFFECTIVE DATE: October 15, 2018

/s/

Chief Justice Bolger

/s/

Justice Winfree

/s/

Justice Stowers

/s/

Justice Maassen

/s/

Justice Carney