

THE SUPREME COURT OF THE STATE OF ALASKA

ORDER NO. 309

Temporarily Requiring the
Adoption of Misdemeanor
Bail Schedules in Local
Communities.

IT IS ORDERED:

1) Until further order of this Court, the Presiding Judge of each judicial district shall forthwith adopt a misdemeanor bail schedule for use in each community within his district in which there are facilities for overnight pre-trial detention of more than twelve persons. The Presiding Judge may adopt a misdemeanor bail schedule for use in other communities in his district.

2) Before adopting a schedule for a community, the Presiding Judge shall consult with the judicial officers in that community who regularly set bail in misdemeanor cases.

3) An order adopting a bail schedule must provide that the scheduled bail amount shall not apply and a judicial officer shall be contacted in any case in which unusual circumstances exist involving questions of protection of the public.


4) An order adopting a bail schedule must provide that the scheduled bail amount shall not apply and a judicial officer shall be contacted at the defendant's request if the defendant is immediately unable to post the scheduled amount in any case in which circumstances exist indicating that the defendant's appearance in court can be reasonably assured by one of the following:

- (a) release on personal recognizance;
- (b) release on other appropriate conditions;
- (c) the execution of an unsecured appearance bond in an amount equal to or less than the scheduled bail amount, and the deposit in cash or other security of not more than 10 per cent of the amount of the bond; or
- (d) the execution of a bail bond in an amount less than the scheduled bail amount, secured by cash or other solvent sureties.

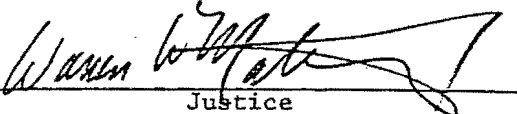
5) Each Area Court Administrator, or the Presiding Judge in those judicial districts not having an Area Court Administrator, shall cooperate with state and local law enforcement personnel in his district to encourage the use of citations as authorized by AS 12.25.180 and Criminal Rule 3.

DATED: May 24, 1978
EFFECTIVE DATE: May 24, 1978

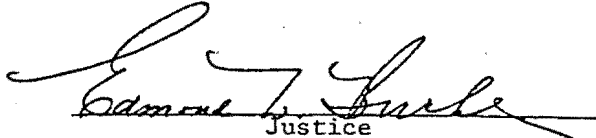

Chief Justice


Justice


Justice


Justice

I dissent from the adoption of this order for the reason that I am not satisfied that this Court has jurisdiction to require or authorize bail schedules.


Justice

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