

THE SUPREME COURT OF THE STATE OF ALASKA

ORDER NO. 329

Amending Criminal Rule
16(c), Relating to Non-
testimonial Identifica-
tion Procedures.

IT IS ORDERED:

1. Rule 16(c)(1), Rules of Criminal Procedure, is amended to read:

(1) Non-testimonial Identification Prodecures

-- Authority. Upon application of the prosecuting attorney, the court by order may direct any person to participate in one or more of the procedures specified in (c)(2) of this rule if affidavit or testimony shows probable cause to believe that

(i) An offense has been committed by one of several persons comprising a narrow focal group that includes the subject person;

(ii) The evidence sought may be of material aid in identifying who committed the offense; and

(iii) The evidence sought cannot practically be obtained from other sources.

(2) Non-testimonial Identification Procedures

-- Scope. An order issued under (c)(1) of this rule may direct the person to do or submit to any and all of the following:

(i) Appear in a line-up;

(ii) Speak words, phrases or sentences relevant to the case for identification by witnesses;

(iii) Be fingerprinted;

(iv) Pose for photographs not involving

reenactment of a scene;

(v) Try on articles of clothing;

(vi) Permit the taking of specimens of material under his fingernails;

(vii) Permit the taking of samples of blood, hair, and other materials of his body which involve no unreasonable intrusion thereof;

(viii) Provide specimens of his handwriting;

(ix) Submit to a reasonable physical or medical inspection of his body.

3. Rule 16(c), Rules of Criminal Procedure, is amended by adding a new subparagraph (3) to read:

(3) Right to Counsel. When issuing an order under (c)(1) of this rule, the court shall also order that the person be represented by counsel or waive his right to be represented by counsel before being required to appear in a line-up, give a specimen of handwriting, or speak for identification by witnesses to an offense.

4. Subparagraphs (2) and (3) of Rule 16, Rules of Criminal Procedure, are renumbered as subparagraphs (4) and (5), respectively.


DATED: August 24, 1978

EFFECTIVE DATE: January 1, 1979

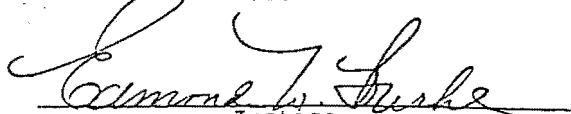
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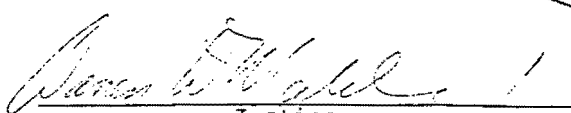
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