

IN THE SUPREME COURT FOR THE STATE OF ALASKA

ORDER NO. 605

Amending Criminal Rule 18.1,
relating to venue of actions
in superior court.

IT IS ORDERED:

Criminal Rule 18.1 is amended by adding a new subparagraph (a)(3), by renumbering old subparagraph (a)(3) as (a)(4), and by adding a new paragraph (f) in order that the entire rule reads:

Rule 18.1 Criminal Cases -- Place of Trial -- Report of the
Administrative Director.

(a) Unless the convenience of the parties and witnesses or the change of venue provisions of AS 22.10.030(d) or (g) otherwise dictate, the trial shall take place in the urban center:

- (1) nearest the place where the crime was committed, and
- (2) in the senate election district where the crime was committed, and
- (3) in the judicial district where the crime was committed, and,
- (4) in which there are facilities available to house the court and jury and to conduct the trial or related hearings.

(b) Upon a determination that there are no facilities of the kind specified in subsection (a)(4) of this rule, the presiding judge of the district may direct that the proceedings be held in the nearest senate district with reasonably suitable facilities.

(c) Upon the request of the presiding superior or district court judge of a judicial district, the administrative director shall investigate the availability of facilities of the kind specified in subsection (a)(4) of this rule and report to said superior or district court judge. The report shall contain

- (1) a specific recommendation as to the feasibility of holding trial at the place where the crime was committed, and

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(2) a recommendation as to alternate places of trial. The administrative director's report shall be a permanent part of the record.


(d) For the purposes of this rule, election districts shall be those set forth in the current official reapportionment map of the state of Alaska.

(e) After being advised by the court of his rights under this rule as to the place of trial unless the defendant or his attorney requests a trial in the senate district in which the crime was alleged to have been committed, prior to or at the time a plea was entered, he will be deemed to have waived the right to trial in that district.

(f) The chief justice of the supreme court may make exceptions to the requirements of this section if, consistent with the state and federal constitutions, the chief justice determines that transportation facilities reasonably require venue in an urban center in an adjoining judicial or senate district.

DATED: Sept. 21, 1984

EFFECTIVE DATE: Sept. 21, 1984


CHIEF JUSTICE BURKE


JUSTICE RABINOWITZ


JUSTICE MATTHEWS


JUSTICE COMPTON


JUSTICE MOORE