

IN THE SUPREME COURT OF THE STATE OF ALASKA
ORDER NO. 2001

Amending Administrative Rule
40(a) concerning removal of
certain marijuana possession
convictions from the public index.

IT IS ORDERED:

Administrative Rule 40 is amended to read as follows:

Rule 40. Index to Cases.

(a) The court system shall maintain an index by last name of every party named in every case filed, regardless of whether a party's true name is protected in the public index under paragraphs (b) or (c) of this rule. The index must show the party's name, the case number, the case caption or title, the filing date, the case type, and other information required for that case type by court rule. The index may show the party's date of birth. The index shall be an accurate chronological record of the case's filings and events as they actually occurred in the case. If subsequent case filings amend or purport to correct a prior filing or event, the existence of the initial filing or event having occurred shall be maintained along with the amended filing, so that the index is at all times a record of actual filings and events in the case. The court system shall publish a public version of the index on the court system's website, which excludes only

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(13) criminal cases in which the defendant received a suspended imposition of sentence (SIS) for a conviction in accordance with AS 12.55.085, and the conviction was

subsequently set aside by the court after the defendant successfully completed the terms of the sentence; this provision applies only if, singularly or combined, the defendant was acquitted of all other charges in the same case or all other charges in the same case were dismissed or set aside after an SIS was imposed and the defendant successfully completed the terms of the sentence; and

(14) cases in which the defendant was charged with an offense under AS 04.16.049, 04.16.050, 28.35.280, 28.35.285, 28.35.290, or a similar municipal ordinance (whether the case was classified as a criminal case, minor offense case, or underage alcohol case and regardless of the disposition of the case), if the offense was charged in a separate action and not joined with any other minor offense or criminal charge at the time of filing. The public index will be available to the public in electronic form on the court system's website except as limited by Administrative Rule 37.8-; and

(15) cases in which the defendant was convicted of possessing less than one ounce of marijuana under AS 11.71.060, or a prior version of that statute that criminalized the same conduct, or a municipal ordinance that criminalized that same conduct if

(A) the defendant was 21 years of age or older at the time of the offense, and

(B) the defendant was not convicted of any other criminal charges in that same case.

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DATED: January 31, 2023

EFFECTIVE DATE: May 1, 2023

/s/
Chief Justice Winfree

/s/
Justice Maassen

/s/
Justice Carney

/s/
Justice Borghesan

/s/
Justice Henderson