

IN THE SUPREME COURT FOR THE STATE OF ALASKA

ORDER NO. 682

Rescinding Criminal Rule
18.1 on Criminal Cases -
Place of Trial - Report of
the Administrative Director;
and Adding a New Criminal
Rule 18 Relating to Venue:
Place of Trial

IT IS ORDERED:

Criminal Rule 18.1 relating to criminal cases - place of trial - report of the administrative director is hereby rescinded.

A new form of Criminal Rule 18 is added to read as follows:

- (a) Venue Districts. Districts establishing venue for all criminal cases shall be devised and promulgated by the supreme court in the form of a map. The map shall indicate venue district boundaries for each existing court location capable of holding six-person jury trials or both six and twelve-person jury trials.
- (b) Trial Location Assignment. When a request for trial is made, all cases shall be initially assigned to:
- (1) The existing court location;
 - (2) Nearest to the situs of the alleged crime;
 - (3) Within the venue district;
 - (4) That has a judge and facilities for either a six-person or twelve-person jury as is necessary to the case.
- (c) Additional Trial Site Standards. Subject to supreme court approval, the administrative director shall devise and promulgate an administrative bulletin establishing minimum standards for additional trial site locations, including standards for courtroom needs and standards for transportation, housing, and feeding of all trial participants.
- (d) Approved List. The administrative director shall cause to be made a list of approved additional trial site locations meeting the standards established under subsection (c).

- (1) Approval shall be determined during an annual investigation by the office of the administrative director.
- (2) The locations shall be approved as trial sites for six-person juries, twelve-person juries, or both.
- (3) A presiding judge, area court administrator, town council, or similar public representative group, or the Attorney General, the Public Defender, or the Public Advocate may make application to the office of the administrative director for an investigation seeking approval of a community as a trial site.
- (4) The approved list of additional trial site locations shall be annually distributed to the attorney general, the public defender, the public advocate, and the Alaska Bar Association office.

(e) Motion by Right. After assignment to an initial existing court location, a defendant may move by right for the setting of venue in an approved trial site location if such location is the community within the venue district with trial facilities nearest the place where the alleged crime was committed. This right is waived unless requested by the defendant or the defendant's attorney prior to or at the entry of a plea in felony cases, or within five days of the entry of a plea in misdemeanor cases.

(f) Fair Cross-Section. If the trial location assignment under the above subsections will not provide a petit jury which is a representative cross-section of the appropriate community, the trial court on its own motion or that of the parties may proceed as provided in Administrative Rule 15(c).

(g) Change of Venue. Any other motion for a change of venue shall be determined under the standards listed in AS 22.10.040.

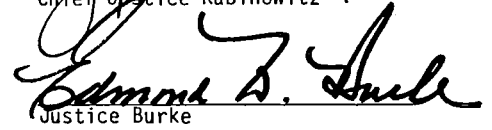
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DATED: April 24, 1986

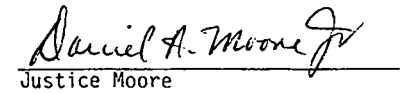
EFFECTIVE DATE: May 15, 1986


Chief Justice Rabinowitz


Justice Burke


Justice Matthews


Justice Compton


Justice Moore