

IN THE SUPREME COURT OF THE STATE OF ALASKA

ORDER NO. 723

Amending Criminal Rule
5(a)(2) & (3) regarding
hearings for transported
prisoners.

IT IS ORDERED:

Criminal Rule 5(a)(2) & (3) is amended to provide:

(2) If

(i) The judge or magistrate commits the arrested person to jail for a purpose other than to serve a sentence, and

(ii) The jail is situated in a different community from the place where the judge or magistrate committed the arrested person to jail, and

(iii) The arrested person is not represented by counsel, and

(iv) The arrested person has not previously had a bail review, and

(v) The arrested person has no date, time and place established for his or her next court appearance,

then the arrested person shall be taken before a judge or magistrate in the community where the jail is located within twenty-four hours of his detention in that jail

(aa) in order for his bail to be reviewed, and

(bb) in order to determine if he is represented by counsel, and

(cc) in order for the counsel to be appointed, if appropriate.

(3) The responsibility for ensuring that the arrested person is taken before a judge or magistrate as specified in subsections (1) and (2) of this section (a) shall be borne equally by


(i) municipal police officers and municipal jail personnel, and by

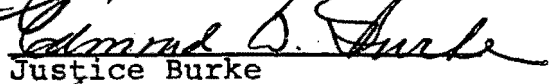
(ii) state troopers, state jail personnel, and all other peace officers.

No distinction shall be drawn between cases in which arrest was made pursuant to a warrant and cases in which arrest was made without a warrant.


DATED: July 10, 1986

EFFECTIVE DATE: December 15, 1986


Chief Justice Rabinowitz


Justice Burke


Justice Matthews


Justice Compton


Justice Moore