

IN THE SUPREME COURT FOR THE STATE OF ALASKA

ORDER NO. 882

Amending Criminal Rule 37
concerning warrants.

IT IS ORDERED:

1. Criminal Rule 37(a)(3)(iii) and (iv) are amended to provide:

(a)(3) The warrant

....

(iii) shall command the officer to search [FORTHWITH] the person or place named for the property specified within a reasonable period not to exceed 10 days of the issuance of the warrant, and

(iv) shall direct that it be served between 7:00 a.m. and 10:00 p.m., unless the issuing authority by appropriate provision in the warrant, and for reasonable cause shown, authorizes its execution at other than this time [BUT IF AN AFFIANT IS POSITIVE THAT THE PROPERTY IS ON THE PERSON OR IN THE PLACE TO BE SEARCHED, THE WARRANT MAY DIRECT THAT IT BE SERVED AT ANY TIME], and

2. Criminal Rule 37(b) is amended to provide:

(b) Execution and Return with Inventory. The warrant shall be executed within 10 days after its date. However, upon sworn application made before the expiration of the initial 10 day period or any subsequent extension, the court may for good cause extend the execution period for a reasonable time not to exceed 10 days. The officer taking property under the warrant

(1) shall give to the person from whom or from whose premises the property was taken a copy of the warrant, a copy of the supporting affidavits, and receipt for the property taken, or

(2) shall leave the copies and the receipt at the place from which the property was taken.

The return shall be made promptly and shall be accompanied by a written inventory of any property taken as a result of the search pursuant to or in conjunction with the warrant. The inventory shall be made in the presence of the applicant for the warrant and the person from whose possession or premises the property was taken, if they are present, or in the presence of at least one credible person other than the applicant for the warrant or the person from whose possession or premises the property was taken, and shall be signed by the officer under the penalty of perjury pursuant to AS 09.63.020 [AS 09.65.012] or sworn to in front of the magistrate or judge. The judge or magistrate shall

Supreme Court Order No. 882
Effective Date: July 15, 1988
Page 2

upon request deliver a copy of the inventory to the person from whom or from whose premises the property was taken and to the applicant for the warrant.

DATED: February 4, 1988

EFFECTIVE DATE: July 15, 1988

Chief Justice Matthews

Justice Rabinowitz

Justice Burke

Justice Compton

Justice Moore