

IN THE TRIAL COURT FOR THE STATE OF ALASKA
FOURTH JUDICIAL DISTRICT

IN THE MATTER OF:

Permitting Deposit of Cash Bail
by Money Order

Presiding Judge's Administrative Order

PJO 23-07

**Presiding Judge's Order Permitting Cash Bail to be Posted by Money Order
Unless Otherwise Ordered**

The Fourth Judicial District stretches across a vast area from the Bering Sea to the Canadian border and includes numerous rural courts in locations with very limited access to banking institutions. By contrast, most rural villages in Alaska do have a United States Post Office. The result is that it is significantly more burdensome in many rural locations to secure and post large sums of cash currency than it is to secure a money order.

Moreover, the requirement that individuals secure, transport, and deposit large sums of cash currency at a court clerk's office gives rise to significant administrative, accounting, security, and auditing concerns.

Alaska Criminal Rule 41(b) establishes several types of bail that require that "cash" be deposited in the registry of the court.¹ Alaska Rule of Administration 9.1 states that "[b]ail for a criminal offense may be posted in cash, through a surety authorized by law, or in another form of payment authorized by the court in the case."² Courts are thus authorized to permit posting by court order by any "form of payment."

In light of the foregoing, unless ordered otherwise by a judicial officer in a specific case, all clerk's offices in the Fourth Judicial District shall accept money orders payable

¹ The term "cash" is actually somewhat ambiguous. Webster's defines cash as "ready money" but also as "money or its equivalent." The criminal rule does not define the term.

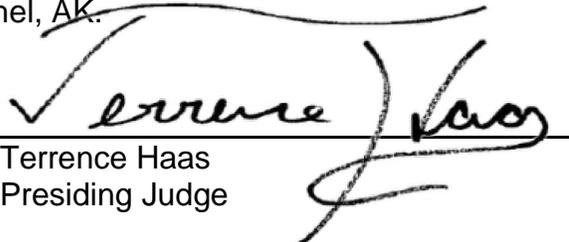
² Presumably there are now many more "form[s] of payment" than existed when this rule was implemented by SCO 1065 in 1991 such as Cash App, Venmo, PayPal, Apple Pay, etc. This order relates only to money orders only.

to the Alaska Court System as payment of a cash deposit for bail as required by Criminal Rule 41.

In the event that a money order deposited with the clerk pursuant to this order is cancelled or otherwise invalid at the time it is deposited in the court registry, the clerk shall notify the assigned judicial officer forthwith and appropriate orders shall issue.

IT IS SO ORDERED.

Dated this 15th Day of September, 2023 at Bethel, AK.


Terrence Haas
Presiding Judge

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Chief Justice
Administrative Director
4th District Everyone
Fairbanks and Bethel DAO
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