

Alaska Court System

INSTRUCTIONS: WHEN FELONY PTRP JURISDICTION TRANSFERS

Effective October 15, 2012

A statewide [Presiding Judges' Order](#) (link) established procedures for felony petitions to revoke probation (PTRPs) on November 15, 2010. The PJ Order was amended effective October 15, 2012. Page 5 of that order states the procedures to be followed by probation officers and prosecutors when probation supervision is transferred from one office to another office because the defendant has moved.

These instructions expand on and provide additional details about the required procedures.

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The following lists of felony PTRP filing locations are attachments to the above Presiding Judges' Order:

[**List A** When Sentencing Court Retains Jurisdiction](#) (link)

[**List B** When Supervision Is Transferred Because Probationer Has Moved](#) (link)

INSTRUCTIONS

1. Sentencing Court Retains Jurisdiction

If jurisdiction has not transferred to another court, PTRPs must be filed in the sentencing court (i.e., where the case file is kept after sentencing.) This is different in each district, and not necessarily the location shown in the case number. **List A** shows where PTRPs should be filed if jurisdiction has not transferred.

A sentencing judge may retain jurisdiction over the probationer even if the probationer moves and probation supervision is transferred. To do this, the sentencing judge will enter an order retaining jurisdiction. In such cases, all PTRPs and motions relating to probation must be filed where the original case file is located. See **List A**. The clerk should send a copy of the order to the probation officer. Additionally, the order will display in the CourtView docket on the web.

2. When Does Jurisdiction Transfer?

Jurisdiction transfers:

- a. when the Department of Corrections (DOC) transfers supervision of the probationer to a new probation office because the probationer has moved outside the area served by the probationer's previous probation office, or
- b. when, at the time a probation office is initially assigned, DOC assigns a probation office other than the sentencing court's probation office because the defendant is not going to live in the sentencing court area.

When jurisdiction transfers to another court, the new court is referred to as the "new supervising court."

Important Notes:

Jurisdiction does **NOT** transfer every time a different probation office takes over a case.

Jurisdiction does **NOT** transfer if the defendant does not move but a probation officer from another office is assigned to supervise the probationer, either temporarily or permanently.

Jurisdiction also does **NOT** transfer if a defendant moves from one location to another location and both locations are served by the same probation office.

3. How to Determine the New Supervising Court?

The new supervising court is the PTRP filing location nearest to where the defendant now resides. See **List B** at the end of these instructions for a list of PTRP filing locations after jurisdiction transfers.

4. What Must the Probation Officer Do When Probation Supervision Transfers?

Whenever probation supervision transfers, a probation officer (PO) must file a CR-559 **DOC Supervision Transfer** form. The CR-559 must be filed even if jurisdiction does not transfer to a new court. This notice keeps the court informed as to the location of the new probation office so the court can send documents to the correct office.

a. **Which probation officer files the CR-559 and when?**

Reason for Transfer	Who Files CR-559	When to File CR-559
When DOC transfers supervision <u>because</u> probationer has moved outside area served by probationer's previous PO (Jurisdiction transfers.)	PO from whom supervision is being transferred (i.e., old PO)	Prior to sending the DOC file to the new PO
When, at the time a PO is initially assigned, DOC assigns a PO other than the sentencing court's PO because defendant is not going to live in the sentencing court area. (Jurisdiction transfers.)	PO initially assigned	As soon as possible after being assigned as the initial probation officer
Other: (For example, another probation office takes over supervision of cases to balance workloads. It does <u>not</u> involve the probationer moving, so there is no transfer of jurisdiction to a new court.) (Jurisdiction does not transfer.)	PO from whom supervision is being transferred (i.e., old PO)	Prior to sending the DOC file to the new PO

b. **Where** to file the CR-559:

- The CR-559 must always be filed in the sentencing court. (See **List A**).
- In addition, if jurisdiction has previously transferred to another court, then the CR-559 must be filed in both the sentencing court **and** any other prior supervising courts
- The CR-559 should **NOT** be filed in the new supervising court because that court will not create a case file until a petition or motion is filed with the CR-560 notice.

Example: Anchorage was the sentencing court. Jurisdiction was transferred to Palmer and later to Nome. Jurisdiction is now being transferred to Fairbanks. The CR-559 should be filed in Anchorage, Palmer, and Nome. It should not be filed in Fairbanks (the new supervising court).

5. What Must Be Filed When a PTRP Is First Filed in a New Supervising Court?

The first time a PTRP is filed in a new supervising court, the probation officer (PO) or district attorney (DA) must also file the CR-560 **Notice of Transfer of Jurisdiction** and the documents listed on the form. The PO must also provide the local DA with 3 copies of all documents. (In some courts, the DA's copies may be given to the court for distribution.)

Important Note: The above requirement applies even when jurisdiction is transferred back to the original sentencing court or a prior supervising court. The petitioner must file all documents listed on the CR-560 except those documents that were previously filed in the new supervising court.

6. Motions Filed After Jurisdiction Has Transferred.

- Motions related to probation should be filed in the current supervising court.
- If this is the first filing after the most recent transfer, the probation officer or DA must also file the CR-560 (and any required attachments).
- If a defendant files the motion and the new supervising court has not yet received a CR-560, the clerk will ask the supervising PO to file a CR-560 (and any required attachments). On the CR-560, the PO should check the box on the "Motion" line and enter the title of the motion and that it was filed by the defendant.

Example:

Motion for Termination of Probation filed by defendant.

7. Which Court Processes Suspended Imposition of Sentence (SIS) at End of Probation?

- a. If a CR-560 **Notice of Transfer of Jurisdiction** has been filed in a case, the court in which the most recent CR-560 has been filed is responsible for processing the SIS at the end of probation.
- b. If a CR-560 Notice has not been filed in a case, the sentencing court is responsible for processing the SIS at the end of probation, even if a CR-559 has been filed.

For detailed instructions, see CourtView instructions: *Felony Supervision Transfer: SIS Processing*.

8. When a Probationer Moves Out of State

When a probationer is allowed to move out of state:

- a. The supervising probation officer must file a CR-559 DOC Supervision Transfer. Fill out the top of the form as follows:

The Department of Corrections transferred or initially assigned probation supervision of the defendant to the Probation Office in (Insert Other State), Alaska, because:

Transfer to New Probation Office. Because the defendant has moved, DOC is transferring probation supervision to another probation office.
Jurisdiction is transferred to the (Insert Sentencing Court) court.
[File this form before sending the file to the new probation office.]

- b. If a PTRP is filed as a result of misconduct while the probationer is out of state, the PTRP must be filed in the **sentencing** court.

Note: If the sentencing court was not the supervising court prior to the probationer leaving Alaska, the probation officer must also file a CR-560 **Notice of Transfer of Jurisdiction**.

If the sentencing court was also the supervising court prior to the probationer leaving Alaska, the CR-560 Notice is not necessary.