

IN THE SUPREME COURT OF THE STATE OF ALASKA
ORDER NO. 1614

Amending Criminal Rules 3, 7,
32, and 43 to standardize
information in complaints,
indictments, informations,
judgments, and notices of
dismissals and deferred
prosecutions.

IT IS ORDERED:

1. Criminal Rule 3 is amended to read as follows:

Rule 3. The Complaint

* * * *

~~(c) The complaint shall include either the defendant's date of birth or driver's license number when such information is available prior to the filing of the complaint. Failure to include this information shall not be grounds for dismissal.~~

(c) Defendant and Offense Information To Be Included in Complaint. The complaint must include the following information in the form shown in the sample published at the end of this rule:

(1) the defendant's full name, including middle name or initial, if known;

(2) the defendant's date of birth, if known;

(3) the defendant's Alaska Public Safety Information Network (APSIN) identification number, if known;

(4) the defendant's driver's license number or state identification number, if known, including the issuing state and whether the license is a commercial driver's license;

(5) the arrest tracking number (ATN) on the Criminal Case Intake and Disposition (CCID) form for the incident;

(6) the three-digit charge tracking number assigned on the CCID form to each offense; and

(7) the statute, regulation, or ordinance that the defendant is alleged to have violated, as identified in the Uniform Offense Citation Table.** Regulations not listed in the Uniform Offense Citation Table must be cited by the regulation number.

(d) **Crimes Involving Domestic Violence.** If a defendant is charged with an offense listed in AS 18.66.990, the complaint ~~must~~ should indicate whether the prosecuting authority intends to claim that the alleged offense is a crime involving domestic violence as defined in AS 18.66.990(3) and (5).

(e) **Search Warrant Information.** A complaint must include a listing of the numbers of any search warrants issued in relation to the case, as required by Criminal Rule 37(e)(2).

(f) **Information Not To Be Included in Complaint.** The defendant's social security number may not appear on a complaint. This subsection applies to complaints filed on or after October 15, 2006.

** The Uniform Offense Citation table was developed by the Department of Public Safety. Changes to the table must be approved by either the Department of Law or the appropriate municipal prosecuting authority. It is available at <http://www.dps.state.ak.us/uoct/>.

2. The following sample is added at the end of Criminal Rule 3:

<i>SAMPLE FIRST PAGE OF CRIMINAL COMPLAINT</i>	
IN THE DISTRICT COURT FOR THE STATE OF ALASKA AT ANCHORAGE	
STATE OF ALASKA,)
Plaintiff,)
)
vs.)
)
JOHN CLIFFORD DOE,)
DOB: 05-17-72)
APSIN: 1231231)
DL: 0630722 [state/CDL])
ATN: 123-45-6789)
)
JAMES B. SMITH,)
DOB: 02-15-79)
APSIN: 2342342)
DL: 7783432 [state/CDL])
ATN: 987-65-4321)
Defendants.)
<hr/>	
Related Search Warrants:	_____
<u>COMPLAINT</u>	
[Insert Victim Information pursuant to Criminal Rule 44(f)]	
Count I – AS 11.41.500(a)(1) Robbery 1- Armed w/ Deadly Weapon John Doe – 001 James Smith – 005	
Count II – AS 11.61.195(a)(1) Misconduct w/ Weapons 2 - Re Drug Crime James Smith - 004	
THE DISTRICT ATTORNEY CHARGES: [text]	

3. Criminal Rule 7 is amended to read as follows:

Rule 7. Indictment and Information.

* * * *

(c) Nature and Contents - Defects of Form Do Not Invalidate.

(1) The indictment or the information shall be a plain, concise and definite written statement of the essential facts constituting the offense charged. It shall be signed by the prosecuting attorney. It need not contain a formal commencement, a formal conclusion or any other matter not necessary to such statement. Allegations made in one count may be incorporated by reference in another count. It may be alleged in a single count that the means by which the defendant committed the offense are unknown or that the defendant committed it by one or more specified means.

(2) An indictment or information must include:

(A) the defendant and offense information required by Criminal Rule 3(c);

(B) search warrant information as required by Criminal Rule 37(e)(2);

(C) the victim information certificate required by Criminal Rule 44(f); and

(D) if the defendant is charged with an offense listed in AS 18.66.990, whether the prosecution claims that the alleged offense is a crime involving domestic violence as defined in AS 18.66.990(3) and (5).

(3) The defendant's social security number may not appear on an indictment or information. This subsection applies to an indictment or information filed on or after October 15, 2006.

~~The indictment or information shall state for each count the official or customary citation of the statute, rule, regulation or other provision of law which the defendant is alleged therein to have violated.~~

(4) Error in ~~the~~ citation or its omission of a citation to the statute, regulation, or ordinance that the defendant is alleged to have violated shall not be ground for dismissal of the indictment or information or for reversal of a conviction if the error or omission did not mislead the defendant to the defendant's prejudice. No indictment is insufficient nor can the trial, judgment or other proceedings thereon be affected, by reason of a defect or imperfection in matter of form in the indictment which does not tend to prejudice the substantial rights of the defendant.

(5) When an indictment is found, the names of all witnesses examined before the grand jury must be inserted at the foot of the indictment, or endorsed thereon, before it is presented to the court. ~~If the defendant is charged with an offense listed in AS 18.66.990, the indictment or information must indicate whether the prosecution claims that the alleged offense is a crime involving domestic violence as defined in AS 18.66.990(3) and~~ (5).

* * * *

4. Criminal Rule 32 is amended by adding new subsections (b) and (g) to read as follows:

Rule 32. Sentence and Judgment.

(a) **Sentence.** Sentence shall be imposed without unreasonable delay. Sentencing in felony cases shall follow the procedures established in this rule and Rules 32.1 through 32.6. Sentencing in misdemeanor cases shall follow the procedures established in this rule and Rules 32.2, 32.3, 32.5, and 32.6. When imposing sentence, the judge or magistrate shall explain on the record the reasons for the sentence.

(b) **Other Counts.** At sentencing, the prosecuting attorney must announce the disposition of all counts brought under the same case number that are not addressed in the judgment or in a written notice of dismissal or deferred prosecution. The court will notify the Department of Public Safety of any counts dismissed on the record.

(c)(b) **Judgment.**

* * * *

(d)(e) **Judgment for Sex Offenses or Child Kidnapping.**

* * * *

(e)(d) **Judgment for Crimes Involving Domestic Violence.**

* * * *

(f)(e) **Judgment for Crime Against a Person.**

* * * *

(g) **Information To Be Included in Judgment.** If provided by the prosecuting authority in the charging document, the judgment must include the following information:

(1) the defendant's full name, including middle name or initial;

(2) the defendant's date of birth;

(3) the defendant's Alaska Public Safety Information Network (APSIN) identification number;

(4) the defendant's driver's license number or state identification number, including the issuing state and whether the license is a commercial driver's license;

(5) the arrest tracking number (ATN) on the Criminal Case Intake and Disposition (CCID) form for each offense being addressed in the judgment;

(6) the three-digit charge tracking number assigned on the CCID form for each offense being addressed in the judgment;
and

(7) the statute, regulation, or ordinance, as identified in the Uniform Offense Citation Table,** corresponding to each offense being addressed in the judgment. Regulations not listed in the Uniform Offense Citation Table must be cited by the regulation number.

** The Uniform Offense Citation table was developed by the Department of Public Safety. Changes to the table must be approved by the Department of Law or the appropriate municipal prosecuting authority. It is available at <http://www.dps.state.ak.us/uoct/>.

5. Criminal Rule 43 is amended by adding new subsections (e) and (f) to read as follows:

Rule 43. Dismissal and Deferred Prosecution.

* * * *

(e) Information To Be Included in Notice or Order of Dismissal. A notice or order of dismissal must include the following information:

(1) the defendant's full name, including middle name or initial, if known;

(2) the defendant's date of birth, if known;

(3) the defendant's Alaska Public Safety Information Network (APSIN) identification number, if known;

(4) the defendant's driver's license number or state identification number, if known, including the issuing state and whether the license is a commercial driver's license;

(5) the arrest tracking number (ATN) on the Criminal Case Intake and Disposition (CCID) form for each offense being addressed;

(6) the three-digit charge tracking number assigned on the CCID form for each offense being addressed; and

(7) the statute, regulation, or ordinance, as identified in the Uniform Offense Citation Table,** corresponding to each offense being addressed. Regulations not listed in the Uniform Offense Citation Table must be cited by the regulation number.

(f) Information To Be Included in Notice of Deferred Prosecution. A notice of deferred prosecution must include the defendant and offense information required by subsection (e) of this rule.

** The Uniform Offense Citation table was developed by the Department of Public Safety. Changes to the table must be approved by the Department of Law or the appropriate municipal prosecuting authority. It is available at <http://www.dps.state.ak.us/uoct/> .

DATED: June 1, 2006

EFFECTIVE DATE: October 15, 2006

/s/
Chief Justice Bryner

/s/
Justice Matthews

/s/
Justice Eastaugh

/s/
Justice Fabe

/s/
Justice Carpeneti