

IN THE SUPREME COURT OF THE STATE OF ALASKA
ORDER NO. 1710

Amending Criminal Rule 37(a)
concerning time periods for
search warrants.

IT IS ORDERED:

Criminal Rule 37(a) is amended to read as follows:

Rule 37. Search and Seizure.

(a) Search Warrant Issuance and Contents.

(1) A search warrant authorized by law shall issue only on affidavit sworn to before a judge or magistrate or any person authorized to take oaths under the law of the state, or sworn testimony taken on the record and establishing the grounds for issuing the warrant.

(2) If the judge or magistrate is satisfied that grounds for the application exist or that there is probable cause to believe that they exist, the judge or magistrate shall issue a warrant identifying the property and naming or describing the person or place to be searched.

(3) The warrant shall be directed to a peace officer of the state authorized to enforce or assist in enforcing any law thereof; and

(A) shall state the ground or probable cause for its issuance and the names of the persons whose affidavits have been taken in support thereof; and

(B) shall command the officer to search the person or place named for the property specified within a reasonable period not to exceed 30 days of the issuance of the warrant; and

(C) 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; and

(D) shall designate the court, judge, or magistrate to whom it shall be returned.

* * * *

DATED: May 14, 2009

EFFECTIVE DATE: May 14, 2009

/s/
Chief Justice Fabe

/s/
Justice Eastaugh

/s/
Justice Carpeneti

/s/
Justice Winfree

/s/
Justice Christen