

IN THE SUPREME COURT OF THE STATE OF ALASKA
ORDER NO. 1763

Amending Criminal Rule 5(a)(1) and
adding a Note concerning the direct
court rule amendment made by
chapter 20 SLA 2011 (HB 127).

IT IS ORDERED:

1. Criminal Rule 5(a)(1) is amended to read as follows:

Rule 5. Proceedings Before the Judge or Magistrate.

(a) Appearance Before Judge or Magistrate.

(1) Except when the person arrested is issued a citation for a misdemeanor or a violation and immediately thereafter released, the arrested person shall be taken before the nearest available judge or magistrate without unnecessary delay and in any event within 48 hours after arrest, including Sundays and holidays. This appearance may be accomplished by the use of telephonic or television equipment pursuant to Criminal Rules 38.1 and 38.2. ~~Necessary delay within the meaning of this paragraph (a) is defined as a period not to exceed forty-eight hours after arrest, including Sundays and holidays.~~

* * *

2. The following note is added to the end of Criminal Rule 5:

NOTE: Chapter 20, section 25, SLA 2011 (HB 127), effective July 1, 2011, amended Criminal Rule 5(a)(1) relating to time for a

first appearance. The changes to Criminal Rule 5(a)(1) are adopted for the sole reason that the legislature has mandated the amendments.

DATED: July 21, 2011

EFFECTIVE DATE: *Nunc pro tunc* to July 1, 2011

/s/
Chief Justice Carpeneti

/s/
Justice Fabe

/s/
Justice Winfree

/s/
Justice Christen

/s/
Justice Stowers