

IN THE SUPREME COURT OF THE STATE OF ALASKA
ORDER NO. 1913

Amending Criminal Rule 32.6(i) to align with changes made in section 10 of Chapter 13 SLA 2017 (SB 55) concerning restitution in cases resolved by suspended entry of judgment; and adding a Note to Criminal Rule 41 to implement the indirect rule changes made in Chapter 36 SLA 2016 (SB 91).

IT IS ORDERED:

1. Criminal Rule 32.6(i) is amended, *effective nunc pro tunc* June 20, 2017, to read as follows:

Rule 32.6. Judgment for Restitution.

* * * *

(i) **Suspended Imposition of Sentence and Suspended Entry of Judgment.** The judgment for restitution remains civilly enforceable

(1) after the expiration of the period of probation or the set-aside of conviction in a case where imposition of sentence is suspended; and

(2) after the expiration of the period of probation or the dismissal of the proceedings under AS 12.55.078(d) in a case where the court suspended entry of judgment.

2. The following note is added to the end of Criminal Rule 41, *effective January 1, 2018*:

Rule 41. Bail.

* * * *

Note: Chapter 36, SLA 2016 (SB 91) enacted a number of changes relating to criminal procedure. According to section 180(a) of the Act, AS 12.30.011, as repealed and reenacted by section 59 of the Act, has the effect of changing Criminal Rule 41, effective January 1, 2018, by changing and establishing release conditions for certain defendants, providing for recommendations by pretrial services officers of release conditions based on a pretrial risk assessment score, providing that a court shall order the release of a person under certain circumstances, and providing new procedures for use of appearance, surety, and performance bonds.

According to section 180(e) of the Act, AS 33.07, enacted by section 117 of the Act, has the effect of changing Criminal Rule 41, effective January 1, 2018, by establishing pretrial services officers and procedures and duties for pretrial services officers as officers of the superior and district courts, for the purposes of performing risk assessments and making pretrial recommendations to the court regarding a person's pretrial release and bail conditions.

DATED: July 12, 2017

EFFECTIVE DATE: As provided in the Order

/s/
Chief Justice Stowers

/s/
Justice Winfree

/s/
Justice Maassen

/s/
Justice Bolger

/s/
Justice Carney