

IN THE SUPREME COURT OF THE STATE OF ALASKA
ORDER NO. 1936

Amending Administrative Rule 40(a) to provide that criminal cases in which the defendant satisfactorily completed a suspended imposition of sentence are excluded from the public index, and cases involving minors charged with alcohol-related offenses are excluded from the public index.

IT IS ORDERED:

1. Administrative Rule 40(a) is amended to read as follows:

Rule 40. Index to Cases.

(a) The court system shall maintain an index by last name of every party named in every case filed, regardless of whether a party's true name is protected in the public index under paragraphs (b) or (c) of this rule. The index must show the party's name, the case number, the case caption or title, the filing date, the case type, and other information required for that case type by court rule. The index may show the party's date of birth. The court system shall publish a public version of the index, which excludes only

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(11) party names protected under paragraphs (b) or (c) of this rule; and

(12) cases, party names, or other case information that is required to be excluded or removed from the public index by statute;

(13) criminal cases in which the defendant received a suspended imposition of sentence (SIS) for a conviction in accordance with AS 12.55.085, and the conviction was subsequently set aside by the court after the defendant successfully completed the terms of the sentence; this provision applies only if, singularly or combined, the defendant was acquitted of all other charges in the same case or all other charges in the same case were dismissed or set aside after an SIS was imposed and the defendant successfully completed the terms of the sentence; and

(14) cases in which the defendant was charged with an offense under AS 04.16.049, 04.16.050, 28.35.280, 28.35.285, 28.35.290, or a similar municipal ordinance (whether the case was classified as a criminal case, minor offense case, or underage alcohol case and regardless of the disposition of the case), if the offense was charged in a separate action and not joined with any other minor offense or criminal charge at the time of filing.

The court system shall continue to list a case on the public index even though the case file has been sealed or made confidential under Administrative Rule 37.6, unless the party names were protected under paragraphs (b) or (c) of this rule. The public index will be available to the public in electronic form except as limited by Administrative Rule 37.8.

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2. A new note is added to Administrative Rule 40 that reads as follows:

Note to SCO 1936—adding new paragraphs (a)(13) and (a)(14): This rule change applies to cases that were dismissed or closed prior to its effective date.

DATED: October 6, 2020

EFFECTIVE DATE: April 15, 2021

/s/
Chief Justice Bolger

/s/
Justice Winfree

/s/
Justice Maassen

/s/
Justice Carney

/s/
Justice Borghesan