

AMENDMENT **#1**

OFFERED IN THE SENATE

BY SENATOR REINBOLD

TO: CSSB 33(STA), Draft Version "M"

1 Page 1, line 3:

2 Delete "38.2"

3 Insert "5(a), 38.2,"

4

5 Page 1, line 14:

6 Delete "48 [24]"

7 Insert "72 [24]"

8

9 Page 9, line 21:

10 Delete "48 [24]"

11 Insert "72 [24]"

12

13 Page 13, following line 29:

14 Insert a new bill section to read:

15 "** Sec. 22. The uncodified law of the State of Alaska is amended by adding a new section to
16 read:

17 DIRECT COURT RULE AMENDMENT. Rule 5(a), Alaska Rules of Criminal
18 Procedure, is amended to read:

19 (a) **Appearance Before Judicial Officer After Arrest.**

20 (1) Except when the person arrested is issued a citation for a class C felony,
21 misdemeanor, or a violation and immediately thereafter released, the arrested person shall
22 appear before a judicial officer without unnecessary delay and in any event within 72 hours
23 [24 HOURS] after arrest, absent compelling circumstances, including weekend days and

1 holidays.

2 (2) If

3 (A) the judicial officer commits the arrested person to jail for a
4 purpose other than to serve a sentence, and

5 (B) the jail is situated in a different community from the place where
6 the judicial officer committed the arrested person to jail, and

7 (C) the arrested person is not represented by counsel, and

8 (D) the arrested person has not previously had a bail review, and

9 (E) the arrested person has no date, time and place established for his
10 or her next court appearance,

11 then the arrested person shall appear before a judicial officer the next business day

12 (i) in order for bail to be reviewed, and

13 (ii) in order to determine if the person is represented by
14 counsel, and

15 (iii) in order for the counsel to be appointed, if appropriate.

16 (3) The responsibility for ensuring that the arrested person appears before a
17 judicial officer as specified in paragraphs (1) and (2) of this subsection shall be borne equally
18 by

19 (A) municipal police officers and municipal jail personnel, and by

20 (B) state troopers, state jail personnel, and all other peace officers.

21 No distinction shall be drawn between cases in which arrest was made pursuant to a
22 warrant and cases in which arrest was made without a warrant.

23 (4) Whenever the person arrested on a warrant appears before a judicial officer
24 other than the one who issued the warrant, the complaint and any other statement or
25 deposition on which the warrant was granted must be furnished to the defendant and must be
26 communicated to the judicial officer before whom the person arrested appears.

27 (5) Whenever a person arrested without a warrant appears before a judicial
28 officer, a complaint shall be filed forthwith.

29 (6) Judicial officers and jail facilities shall be available at all times to receive
30 bail, and each judicial officer individually shall have authority to delegate this duty to the
31 person admitting the defendant to jail, or to such other person as shall in the determination of

1 a judicial officer be qualified for this purpose."

2

3 Renumber the following bill sections accordingly.

4

5 Page ~~23~~¹⁷, line 22:

6 Delete "Sections 22 - 24"

7 Insert "Sections 22 - 25"

8 Delete "secs. 22 - 24"

9 Insert "secs. 22 - 25"

