



# LAWS OF ALASKA

1991

**Source**

CSHB 169(JUD)

**Chapter No.**

60

**AN ACT**

Relating to the issuance of a search warrant, and to transmittal of an affidavit in support of a search warrant, by facsimile machine.

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**BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:**

THE ACT FOLLOWS ON PAGE 1

Approved by the Governor: June 18, 1991  
Actual Effective Date: September 16, 1991

AN ACT

1 Relating to the issuance of a search warrant, and to transmittal of an affidavit in support  
2 of a search warrant, by facsimile machine.  
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6 \* Section 1. AS 12.35.010(b) is amended to read:

7 (b) A judicial officer may issue a search warrant upon the sworn oral testimony of a  
8 person communicated by telephone or other appropriate means, or sworn affidavit submitted  
9 by facsimile machine, in accordance with AS 12.35.015.

10 \* Sec. 2. AS 12.35.015(a) is amended to read:

11 (a) A judicial officer may issue a search warrant upon the sworn oral testimony of a  
12 person communicated by telephone or other appropriate means, or sworn affidavit transmitted  
13 by facsimile machine, if the judicial officer finds that there is probable cause to believe that

14 (1) the presentation of the applicant's affidavit or testimony personally before the  
15 judicial officer would result in delay in obtaining a search warrant and in executing the  
16 search; and

17 (2) the delay might result in loss or destruction of the evidence subject to seizure.

18 \* Sec. 3. AS 12.35.015(b) is amended to read:

19 (b) A judicial officer shall place under oath each person whose oral testimony forms a  
20 basis of the application and each person applying for the search warrant. The judicial officer  
21 shall record the proceeding by using a voice recording device.

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1 \* Sec. 4. AS 12.35.015(c) is amended to read:

2 (c) If a facsimile search warrant cannot be transmitted to the applicant under (g)  
3 of this section, the [THE] applicant [FOR THE SEARCH WARRANT] shall prepare a document  
4 to be known as a duplicate original warrant and shall read it verbatim to the judicial officer. The  
5 judicial officer shall enter, verbatim, on an original search warrant what is read to the judicial  
6 officer. The judicial officer may direct that the duplicate original search warrant be modified.

7 \* Sec. 5. AS 12.35.015(d) is amended to read:

8 (d) Except as provided in (g) of this section, if [IF] a search warrant is issued under  
9 this section, the judicial officer shall orally authorize the applicant to sign the judicial officer's  
10 name on the duplicate original search warrant. The judicial officer shall immediately sign the  
11 original search warrant and enter on the face of the original search warrant the exact time when  
12 the search warrant was ordered to be issued.

13 \* Sec. 6. AS 12.35.015(e) is amended to read:

14 (e) The person who executes a search warrant issued under this section shall enter the  
15 exact time of execution on the face of the facsimile search warrant issued under (g) of this  
16 section or the duplicate original search warrant.

17 \* Sec. 7. AS 12.35.015 is amended by adding a new subsection to read:

18 (g) A search warrant issued by a judicial officer may be transmitted by facsimile machine  
19 to the applicant. The facsimile search warrant shall serve as an original.