

Introduced: 2/17/69
Referred: Judiciary

1 IN THE SENATE

BY THE RULES COMMITTEE BY
REQUEST OF THE GOVERNOR

2 SENATE BILL NO. 158

3 IN THE LEGISLATURE OF THE STATE OF ALASKA
4 SIXTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act relating to search and seizure, amending
7 Alaska State Supreme Court Criminal Rule 37(a)."

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

9 * Section 1. Alaska State Supreme Court Rule of Criminal Procedure
10 37(a) is amended to read:

11 (a) SEARCH WARRANT: ISSUANCE AND CONTENTS. A search warrant
12 authorized by law shall issue only on affidavit sworn to before the
13 judge or magistrate or any person authorized to take oaths under the
14 law of the state, and establishing the grounds for issuing the
15 warrant. If the judge or magistrate is satisfied that grounds for
16 the application exist or that there is probable cause to believe
17 that they exist, he shall issue a warrant identifying the property
18 and naming or describing the person or place to be searched. The
19 warrant shall be directed to a peace officer of the state authorized
20 to enforce or assist in enforcing any law thereof. It shall state
21 the grounds or probable cause for its issuance and the names of the
22 persons whose affidavits have been taken in support thereof. It
23 shall command the officer to search forthwith the person or place
24 named for the property specified. The warrant shall direct that it
25 be served from 7 a.m. to 10 p.m. [IN THE DAYTIME], but if the
26 affidavits are positive that the property is on the person or in the
27 place to be searched, or the property described in the warrant is a
28 narcotic, depressant, hallucinogenic or stimulant drug possessed in
29 violation of AS 17, the warrant may direct that it be served at any

1 time. It shall designate the superior court judge or the magistrate
2 to whom it shall be returned.
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