

Introduced: 6/9/78
Referred: Judiciary and Health
Education & Social Services

1 IN THE HOUSE

BY THE JUDICIARY COMMITTEE

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HOUSE BILL NO. 985

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IN THE LEGISLATURE OF THE STATE OF ALASKA

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TENTH LEGISLATURE - SECOND SESSION

5

A BILL

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For an Act entitled: "An Act relating to search warrants and subpoenas;
7 implementing art. I, sec. 22 of the Alaska Constitution;
8 and providing for an effective date."

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

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* Section 1. AS 12.35.020 is amended by adding a new subsection to read:

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(b) A subpoena or a subpoena duces tecum shall be used in place of
12 a search warrant in requests under (a)(4) of this section in cases where
13 the property that is the subject of the request for a search warrant is
14 in the possession of a person not suspected of crime unless the judicial
15 officer determines on the basis of a clear showing that the subpoena or
16 subpoena duces tecum would be ineffective because the person in posses-
17 sion of the evidence would destroy important material evidence or re-
18 move it from the jurisdiction and because a restraining order would be
19 futile.

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* Sec. 2. This Act takes effect immediately in accordance with AS 01.10.-
21 070(c).

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