

**LDIR#017**  
**COMMENTARIES**  
**SUMMARIES**  
**MEMORANDA ON**  
**CRIMINAL CODE**  
**REVISION, 1960**


MEMORANDUM

January 14, 1960

SUBJECT: Repeal of Certain Sections of ACLA, 1949  
TO: Executive Director, Alaska Legislative Council  
FROM: Statute Revision Counsel

Thus far the Rules of Criminal Procedure up to and including Rule 8b have been analyzed and studied with a view toward the repeal of certain sections of ACLA, 1949, which those rules supersede in toto. The following is a list of statutes that could be considered for repeal at this time. The first group of statutes are listed in Appendix A to the Rules of Criminal Procedure and are superseded by the rules set out opposite them. The second group of statutes are not listed in that appendix yet are in conflict with and are superseded by the rules set out opposite them.

<i>Group 1</i>		<i>Group 2</i>	
<u>Statute</u>	<u>Rule</u>	<u>Statute</u>	<u>Rule</u>
Ch. 47, SLA 1957	4a (2)	66-1-2	7a, b -
Ch. 93, SLA 1957	6a	66-6-15- <i>grand jury</i>	5c - <i>prelim exam</i>
Ch. 11, SLA 1955	4b (1), 5a	66-8-25	6d - o.k.
66-4-1	3a, 7c	66-8-31 } <i>see</i>	6f } <i>partial repeal</i>
66-5-26	4c (3)	66-8-32 } <i>66-8-33</i>	6f }
66-8-5	6d	66-8-36	6h ?
66-8-35	6h	66-9-6	7c - o.k.
66-9-1	1, 2	66-9-14	7c - o.k.
66-9-3	7c	66-9-15	7c - o.k.
66-9-4	7c		
66-9-5	7c		
66-9-8	8a		

  
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ALASKA LEGISLATIVE COUNCIL  
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STAFF MEMORANDUM

December, 1960

Subject: Revised Code of Criminal Proceedings  
To: Members of the Legislative Council

The Legislative Council has directed that the codes of civil and criminal procedure be substantively revised and a bill including the revised codes be prepared for introduction in the 1961 legislative session. The purpose of the revision is primarily to extract procedural provisions and to rearrange and revise in a limited manner the substantive material. This type of revision has been found necessary in many other states which have placed rule making power in the courts. This revision will help avoid conflicts and uncertainties between the court rules and the statutory provisions.

The first draft of the Revised Code of Criminal Proceedings was prepared by the law firm of John Bohn, Benicia, California. The firm is particularly well qualified for this revision since it was engaged previously in work on the criminal rules promulgated by the Alaska Supreme Court. The first draft was circulated to interested parties, including the Department of Law, members of the Supreme Court, and the chairman of the state Bar Association's Committee on Rules of Criminal Procedure.

This memorandum presents a second draft of the Revised Code of Criminal Proceedings. The draft was prepared after an extensive review by the staff of the Legislative Council. Since the draft has been prepared without the benefit of comment from other interested representatives, the draft is presented only to reflect a stage in the revision project and not as a final proposal.

For the purpose of determining the disposition made of each section in the present Code of Criminal Procedure as amended and supplemented, a table of sections is included as Appendix I to this memorandum.

GENERAL OUTLINE ON REVISED CODE OF CRIMINAL PROCEEDINGS

Art. I	GENERAL PROVISIONS
Art. II	ARREST
Art. III	BAIL
Art. IV	SEARCH & SEIZURE
Art. V	GRAND JURY
Art. VI	TRIAL
Art. VII	WITNESSES
Art. VIII	SENTENCING & PROBATION
Art. IX	PREVENTION OF CRIMES
Art. X	CORONER'S INQUEST

# APPENDIX A CROSS-REFERENCE TABLE

THE FOLLOWING IS A CROSS-REFERENCE INDEX FROM THOSE STATUTES CITED IN APPENDIX A, RULES OF CRIMINAL PROCEDURE, TO THOSE RULES:

53-2-5	18; 19 incl. cited act; 21; 25; 59e; §6, Ch. 184, SLA 1959;
54-2-2	25a; 25b; 25c; 59e;
66-3-5	18; 19; 21; 20; 59e;
66-4-1	3; 7c; 12a;
66-4-2	56b; 76(1);
66-4-3	56b;
66-5-1	3a; 15a; 15b;
66-5-2	4a(1); 4a(2); 4a(3); 4a(4); 46(1); 46(2); 9a; 96(2);
66-5-3	4b(1); 4b(2); 4c(1); 4c(2); 9c(1); 4c(3); 96(1); 96(2);
66-5-4 <sup>Supp</sup> <del>Supp</del>	4b(1); 5a; 9a; 96(1)
66-5-5	4c(1); 46(1); 9a; 96(1); 9c(1);
66-5-26	4c(3); 4c(1); 9c(1);
66-5-33	5a; 4c(4); 46(1); 9c(1);
66-5-34 <sup>Supp</sup> <del>Supp</del>	5b; 5a; 46(1); 9c(1);
66-6-33	5c; 9c(1); 9c(2);
66-7-4	3a;
66-7-5	4b(1); 4b(2); 4a(1); 4a(2); 96(1); 96(2);
66-7-7	37b; 37a;
66-7-9	37a; 37b;
66-7-10	37a; 37b;
66-7-11	37a; 37b;
66-7-12	37c;
66-7-13	37c;
66-7-14	37d;
66-8-1	6a; 6b;
66-8-2 Supp	6a;