

IN THE TRIAL COURT FOR THE STATE OF ALASKA

IN THE MATTER OF:)
)
SB 91 Petition to Revoke)
Violation of Probation)
)
)
_____)

**PRESIDING JUDGE'S STATEWIDE STANDING ORDER GOVERNING SB 91
TECHNICAL PETITIONS TO REVOKE PROBATION**

In order to accommodate changes to felony Petition to Revoke Probation proceedings mandated by SB 91, the procedures for processing technical felony PTRs and the duties of arraigning magistrate judges and district court judges are clarified as follows:

- 1) When an SB 91 technical first, second, or third PTR is filed, the PTR and any warrant should state that it includes only technical violations and should state the number of the PTR for SB 91 purposes and the maximum penalty.
- 2) If the defendant is remanded at the direction of a probation officer, the remand form should state the number of the technical PTR for SB 91 purposes and the maximum penalty.
- 3) Any defendant arrested and remanded on an SB 91 technical first, second, or third PTR should be brought before a judicial officer at the next scheduled in-custody arraignment.

4) At arraignment, if the judicial officer is a magistrate judge or district court judge that judicial officer should set bail according to law and set further proceedings before the assigned superior court judge as appropriate. The defendant should not be held beyond the maximum penalty.

5) The magistrate judge or district court judge should allow the parties to put on the record any agreement to resolve the PTR and should enter a bail or temporary order consistent with that resolution. If there is a stipulated resolution, then the resolution should be referred to the assigned superior court judge who will prepare and sign the appropriate order or set further proceedings as necessary.

6) In no case shall the Department of Corrections hold a defendant beyond the maximum applicable SB 91 sentence for the defendant's first, second, or third technical PTR, as stated on the PTR, warrant, or remand form that resulted in the remand of the defendant.

7) In no case shall a defendant be held on any probation revocation bail order beyond the maximum time imposed as a sentence in the judgment of conviction.

IT IS SO ORDERED.

Dated at Ketchikan, Alaska this 7th day of January, 2017.



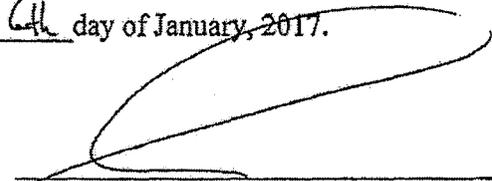
Trevor N. Stephens
Presiding Judge First Judicial District

Dated at Kotzebue, Alaska this 6th day of January, 2017.



Paul A. Roetman
Presiding Judge Second Judicial District

Dated at Anchorage, Alaska this 6th day of January, 2017.



William F. Morse
Presiding Judge Third Judicial District

Dated at Fairbanks, Alaska this 6th day of January, 2017.



Michael A. MacDonald
Presiding Judge Fourth Judicial District

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