

IN THE SUPREME COURT OF THE STATE OF ALASKA
ORDER NO. 1900

Amending Criminal Rule 37(e) to
clarify the status of certain search
warrant records.

IT IS ORDERED:

Criminal Rule 37(e) is amended to read as follows:

Rule 37. Search and Seizure.

* * * *

(e) ~~Limitations on Access to Warrant Information.~~

(1) When Records are Sealed. The record of proceedings under this rule and all documents related to those proceedings, including search warrants, affidavits, receipts and inventories, must be kept sealed until

(A) the warrant is identified in a charging document or in a notice filed by the prosecutor under paragraph (2).

(B) the record is ordered unsealed by the court, charges related to the warrant have been filed or

(C) four years have elapsed since the issuance of the warrant. ~~However, the~~The court may order prior release of these documents for good cause shown.

(2) When Records are Public. After the warrant is identified in a charging document or in a notice filed by the prosecutor charges related to the warrant are filed, the record of proceedings and all related documents shall be open to public inspection unless the court, for good cause shown, orders that the documents remain

sealed for a further period. The initial charging document in all prosecutions must be accompanied by a listing of the number of all warrants issued in relation to the case unless the court waives this requirement for good cause shown. The prosecutor shall file notice of subsequent warrants issued in relation to the case once executed.

(3) When Records are Confidential. If four years have elapsed since the issuance of the warrant and no charges related to the warrant have been filed, the record of proceedings and all related documents shall be unsealed and shall thereafter be deemed “confidential” as defined in the Administrative Rules and Bulletins. For good cause shown, the court may delay the unsealing.

(4) Protection of Victim and Witness Information. The court will provide access to the record of proceedings and related documents to defense counsel upon request. In accordance with AS 12.61.120(a), defense counsel shall not disclose the address and telephone number of a victim or witness to the defendant. If the defendant is proceeding without counsel and requests access to the records, the court shall protect the address and telephone number of a victim or witness as provided in AS 12.61.120(b).

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DATED: December 14, 2016

EFFECTIVE DATE: April 15, 2017

/s/
Chief Justice Stowers

/s/
Justice Winfree

/s/
Justice Maassen

/s/
Justice Bolger

/s/
Justice Carney