

IN THE SUPREME COURT FOR THE STATE OF ALASKA

ORDER NO. 1080

Amending District Court Criminal
Rule 8 concerning minor offense
cases.

IT IS ORDERED:

1. District Court Criminal Rule 8 is amended by adding new paragraphs (j) and (k) as follows:

(j) Temporary Transfer of Minor
Offense Cases.

(1) For purposes of this rule, the
term "original court" means the court in
which a minor offense case is pending. The
term "second court" means the court to
which the defendant requests that the case
be temporarily transferred.

(2) A minor offense case may be
temporarily transferred from the original
court to a second court for purposes of
arraignment under the circumstances
described below:

(A) If there is a mandatory court
appearance for the minor offense, the
defendant may request a temporary transfer
from the original court to the court
nearest the place where the defendant
resides or is employed; or

(B) If a warrant relating to the
minor offense is outstanding, the defendant
may request a temporary transfer from the

original court to the nearest court; or

(C) If the defendant is arrested on a bench warrant relating to the minor offense, the defendant may request a temporary transfer from the original court to the court where the defendant was arrested.

(3) The request for temporary transfer may be made in writing or in person to the clerk of court in the original court or to the clerk of court in the second court.

(4) If the requirements of subparagraph (2) are satisfied, the clerk shall grant the request for temporary transfer. Approval of the prosecuting authority at the original court is not required.

(5) The clerk who grants the request shall immediately notify the other court of the temporary transfer. Following notification, the clerk in the original court shall quash any outstanding warrants relating to the minor offense. If the request is granted by the second court and the original court cannot immediately be contacted, the clerk in the second court shall quash any outstanding warrants relating to the minor offense.

(6) The defendant may be arraigned in the second court on a copy or facsimile of the citation.

(7) If the defendant enters a plea of guilty or no contest in the second court, the defendant shall be sentenced in the second court. If the defendant enters a plea of not guilty, the second court shall return the case to the original court for trial setting.

(8) After the plea has been entered, the second court shall, within 10 working days, return all papers to the original court.

(k) Change of Venue.

Change of venue of minor offense cases is governed by Criminal Rule 19.

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DATED: September 27, 1991

EFFECTIVE DATE: January 15, 1992

Chief Justice Rabinowitz

Justice Burke

Justice Matthews

Justice Compton

Justice Moore