

IN THE SUPREME COURT FOR THE STATE OF ALASKA

ORDER NO. 1100

Amending Criminal Rule 4(a)
concerning issuance of warrants
and summonses.

IT IS ORDERED:

1. Criminal Rule 4(a) is amended to provide:

(a) Issuance.

(1) *Probable Cause.* A warrant or summons shall be issued by a judge or magistrate only if it appears from the complaint, or from an affidavit or affidavits filed with the complaint, that there is probable cause to believe that an offense has been committed and that the defendant has committed it.

(2) *Summons.* A summons shall be issued in all cases unless the judge or magistrate has reason to believe that the defendant will not appear in response to a summons or that the defendant poses a danger to other persons and the community.

No warrant shall issue where bail has previously been established in that case except upon a showing that conditions of release have been violated, that a warrant is necessary to assure the presence of the defendant in court, or that the defendant poses a danger to other persons and the community. In any case in which it is lawful for an officer to arrest a person

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without a warrant, the officer [HE] may
give the [SUCH] person a summons instead of
arresting the person [HIM].

DATED: May 14, 1992

EFFECTIVE DATE: January 15, 1993

Chief Justice Rabinowitz

Justice Burke

Justice Matthews

Justice Compton

Justice Moore