

CS FOR HOUSE BILL NO. 119(JUD)

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTIETH LEGISLATURE - FIRST SESSION

BY THE HOUSE JUDICIARY COMMITTEE

Offered: 3/10/97

Referred: Rules

Sponsor(s): REPRESENTATIVES HODGINS, Green, Croft

A BILL

FOR AN ACT ENTITLED

1 "An Act raising the limit on small claims actions to \$7,500; amending Rule 9,
2 Alaska Rules of Administration; and providing for an effective date."

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

4 * Section 1. AS 22.15.040(a) is amended to read:

5 (a) When a claim for relief does not exceed **\$7,500**, [\$5,000] exclusive of
6 costs, interest, and attorney fees, and request is so made, the district judge or
7 magistrate shall hear the action as a small claim unless important or unusual points of
8 law are involved or the state is a defendant. The supreme court shall prescribe the
9 procedural rules and standard forms to assure simplicity and the expeditious handling
10 of small claims.

11 * Sec. 2. AS 22.15.120(a) is amended to read:

12 (a) A magistrate shall preside only in cases and proceedings under
13 AS 22.15.040, 22.15.100, and 22.15.110, and as follows:

14 (1) for the recovery of money or damages only when the amount

1 claimed, exclusive of costs, interest, and attorney fees, does not exceed **\$7,500**
 2 [\$5,000];

3 (2) for the recovery of specific personal property when the value of the
 4 property claimed and the damages for the detention do not exceed **\$7,500** [\$5,000];

5 (3) for the recovery of a penalty or forfeiture, whether given by statute
 6 or arising out of contract, not exceeding **\$7,500** [\$5,000];

7 (4) to give judgment without action upon the confession of the
 8 defendant for any of the cases specified in this section, except for a penalty or
 9 forfeiture imposed by statute;

10 (5) to give judgment of conviction upon a plea of guilty or no contest
 11 by the defendant in a criminal proceeding within the jurisdiction of the district court;

12 (6) to hear, try, and enter judgments in all cases involving
 13 misdemeanors that are not minor offenses if the defendant consents in writing that the
 14 magistrate may try the case;

15 (7) to hear, try, and enter judgments in all cases involving minor
 16 offenses and violations of ordinances of political subdivisions;

17 (8) for the extradition of fugitives as authorized under AS 12.70;

18 (9) to provide post-conviction relief under the Alaska Rules of Criminal
 19 Procedure for any of the cases specified in (5), (6), or (7) of this subsection if the
 20 conviction occurred in the district court [;

21 (10) REPEALED].

22 * **Sec. 3.** Rule 9(c)(2), Alaska Rules of Administration is amended to read:

23 (2) Filing fees, small claims actions, **claim for relief**

24 (i) **\$2,500 or less** 25.00

25 (ii) **more than \$2,500** **50.00**

26 No additional filing fee is due when a small
 27 claims case is removed to district or superior
 28 court.

29 * **Sec. 4.** This Act takes effect July 1, 1997.