

miles of the boundaries thereof, may be impounded. If the owner of the impounded dog fails to claim the animal after a period of days to be determined by the political subdivision and pay costs of catching and impounding as fixed by such political sub-

division, the dog shall be destroyed or may be sold to pay such costs.

Sec. 2. This Act takes effect on the day after its passage and approval or upon the day it becomes law without such approval.

Approved March 10, 1960

CHAPTER 30

AN ACT

To secure the attendance of material witnesses from within or without the state in criminal proceedings; and providing for an effective date.

(C.S.H.B. 323)

Be it enacted by the Legislature of the State of Alaska:

Section 1. Definitions. As used in this Act:

a. "Witness", shall include a person whose testimony is desired in any proceeding or investigation by a grand jury or in a criminal action, prosecution or proceeding.

b. "State", shall include any territory of the United States and the District of Columbia.

c. "Subpena", shall include a summons, in any state where a summons is used in lieu of subpoena, order or other notice requiring the appearance of a witness. The word subpoena also includes a subpoena duces tecum.

Sec. 2. Subpenaing Witness in This State to Testify in Another State Where Witness Material to Proceeding in Another State Is in This State. If a judge of a court of record in any state which by its laws has made provision for commanding persons within that state to attend and testify in this state certifies under the seal of such court that there is a criminal prosecution pending in such court, or that a grand jury investigation has commenced or is about to commence, that a person being within this state is a material witness in such prosecution, or grand jury investigation, and that his presence will be required for a specified number of days, upon presentation of such certificate to any judge of a court of record in the judicial district in which

such person is, such judge shall fix a time and place for a hearing, and shall make an order directing the witness to appear at a time and place certain for the hearing.

If at a hearing the judge determines that the witness is material and necessary, that it will not cause undue hardship to the witness to be compelled to attend and testify in the prosecution or a grand jury investigation in the other state, and that the laws of the state in which the prosecution is pending, or grand jury investigation has commenced or is about to commence, will give to him protection from arrest and the service of civil and criminal process, he shall issue a subpoena, with a copy of the certificate attached, directing the witness to attend and testify in the court where the prosecution is pending, or where a grand jury investigation has commenced or is about to commence at a time and place specified in the subpoena. In any such hearing the certificate shall be prima facie evidence of all of the facts stated therein.

If said certificate recommends that the witness be taken into immediate custody and delivered to an officer of the requesting state, to assure his attendance in the requesting state, such judge may, in lieu of notification of the hearing, direct that such witness be forthwith brought before him for said hearing; and the judge at the hearing being satisfied of the desirability of such custody and delivery, for which determination the certificate shall be prima facie proof of such desirability may, in lieu of issuing subpoena,

order that said witness be forthwith taken into custody and delivered to an officer of the requesting state.

If the witness, who is subpoenaed, as above provided, after being paid or tendered by a properly authorized person, a sum equivalent to the cost of air fare round trip passage on a certificated carrier or such prepaid passage, and reasonable incidental travel allowance for going to and from airports, plus twenty dollars per day for each day that he is required to travel and attend as a witness, fails without good cause to attend and testify as directed in the subpoena, he shall be punished in the manner provided for the punishment of any witness who disobeys a subpoena issued from a court of record in this state.

Sec. 3. Witness from Another State Subpoenaed to Testify in This State. If a person in any state, which by its laws has made provision for commanding persons within its borders to attend and testify in criminal prosecutions, or grand jury investigations commenced or about to commence, in this state, is a material witness in a criminal action pending in a court of record of this state, or in a grand jury investigation which has commenced or is about to commence, a judge of such court may issue a certificate under the seal of the court stating these facts and specifying the number of days the witness will be required.

Said certificate may include a recommendation that the witness be taken into immediate custody and delivered to an officer of this state to assure his attendance in this state. This certificate shall be presented to a judge of a court of record in the county or judicial district in which the witness is found. Any order of a court in such other state delivering custody of a witness to an officer of this state shall be sufficient authority to an officer of this state to take such witness into custody and hold him until discharged by a court of this state.

If the witness is subpoenaed to attend and testify in this state he shall be tendered a sum equivalent to the cost of air fare round trip passage on a certificated carrier, or such prepaid passage, and reasonable incidental travel allowance for going to and from airports, plus twenty

dollars per day for each day that he is required to travel and attend as a witness. A witness who has appeared in accordance with the provisions of the subpoena shall not be required to remain within the state a longer period of time than the period mentioned in the certificate, unless otherwise ordered by the court. If such witness, after coming into this state, fails without good cause to attend and testify as directed in the subpoena, he shall be punished in the manner provided for the punishment of any witness who disobeys a subpoena issued from a court of record in this state.

Sec. 4. Immunity of Witness from Arrest or Service of Process. If a person comes into this state in obedience to a subpoena directing him to attend and testify in this state he shall not, while in this state pursuant to such subpoena, be subject to arrest or the service of process, civil or criminal, in connection with matters which arose before his entrance into this state under the subpoena.

If a person passes through this state while going to another state in obedience to a subpoena to attend and testify in that state, or while returning therefrom, he shall not while so passing through this state be subject to arrest or the service of process, civil or criminal, in connection with matters which arose before his entrance into this state under the subpoena.

Sec. 5. Uniformity of Interpretation. This Act shall be so interpreted and construed as to effectuate its general purpose to make uniform the laws of the states which enact it.

Sec. 6. Party Seeking Witness, Payment of Fees. The right to obtain witnesses under this Act in criminal proceedings shall extend to the state or a defendant. Witness fees shall be paid by the party calling the witness except as provided in Rule 17(b), Rules of Criminal Procedure, State of Alaska. If the time estimate in the certificate of the requesting court is exceeded, the non-indigent defendant shall be required to tender additional per diem or post bond to insure payment of total witness fees.

Sec. 7. Short Title. This Act may be cited as "Uniform Act to Secure Attendance of Witnesses in Criminal Proceedings."

Sec. 8. Effective Date. This Act shall take effect on the day after its passage and approval or on the day it becomes law without approval.

Approved March 11, 1960

CHAPTER 31

AN ACT

Abolishing the special "Alaska Wing Civil Air Patrol Fund" by repealing Sec. 2, Ch. 157, SLA 1955; and providing for an effective date.

(S.B. 194)

Be it enacted by the Legislature of the State of Alaska:

Section 1. Legislative Intent. It is the intent of this Act to abolish the special, continuous, non-lapsing "Alaska Wing Civil Air Patrol Fund" created by Ch. 157, SLA 1955. It is not the intent of this Act to discontinue legislative appropriations in the general appropriation

bill to the Civil Air Patrol for stated fiscal periods.

Sec. 2. Repeal. Sec. 2, Ch. 157, SLA 1955 is repealed.

Sec. 3. Effective Date. This Act takes effect on the day after its passage and approval or on the day it becomes law without such approval.

Approved March 11, 1960

CHAPTER 32

AN ACT

Relating to the licensing of explosives handlers; amending Subsecs. (a) and (c) of Ch. 120, Sec. 1, SLA 1955, and providing for an effective date.

(S.B. 190)

Be it enacted by the Legislature of the State of Alaska:

Section 1. Subsections (a) and (c) of Ch. 120, Sec. 1, SLA 1955, are amended to read as follows:

(a) Certificate of fitness shall be issued by the Commissioner of Labor and shall be issued only to individuals. All applications for such certificates of fitness shall be made in writing, and verified, and shall state (1) the name and address of the applicant, (2) his age, (3) his citizenship, and (4) any other information which the Commissioner of Labor may require. Having determined, upon investigation and examination, that the applicant is competent by reason of training and experience, the Commissioner of Labor shall issue a certificate of fitness. The

certificate of fitness shall set forth the competency of the individual to whom it is issued, shall provide for his positive identification, and shall be carried on the person engaged in handling explosives. Applicants for certificates of fitness will submit a fee of \$5.00 with their application, and certificates issued will remain in effect unless cancelled for cause.

(c) The Commissioner of Labor shall have the power to issue all orders, rules and regulations relating to the storage and use of explosives necessary to carry out the purposes of this Act.

Sec. 2. This Act takes effect on the day after its passage and approval or on the day it becomes law without such approval.

Approved March 11, 1960