

CS FOR SENATE BILL NO. 272(JUD)

IN THE LEGISLATURE OF THE STATE OF ALASKA

NINETEENTH LEGISLATURE - SECOND SESSION

BY THE SENATE JUDICIARY COMMITTEE

Offered: 3/29/96
Referred: Finance

Sponsor(s): SENATORS TORGERSON, Taylor

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to small claims actions; relating to actions that may be heard
2 by a magistrate; relating to representation by an attorney in civil actions in
3 which a corporation is a party; amending Rule 17(b), Alaska District Court Rules
4 of Civil Procedure; and providing for an effective date."

5 **BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:**

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

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

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

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

3 (1) for the recovery of money or damages only when the amount
4 claimed, exclusive of costs, interest, and attorney fees, does not exceed **\$7,500**
5 [\$5,000];

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

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

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

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

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

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

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

21 (9) to provide post-conviction relief under the Alaska Rules of Criminal
22 Procedure for any of the cases specified in (5), (6), or (7) of this section if the
23 conviction occurred in the district court;

24 (10) for establishing the fact of death of any person in the manner
25 prescribed in AS 09.55.020 - 09.55.060.

26 * **Sec. 3.** AS 22.20.040(a) is amended to read:

27 (a) An action or proceeding may be prosecuted or defended by a party in
28 person or by attorney. However,

29 (1) the United States shall appear by an attorney in all cases; and

30 (2) a corporation, either public or private, shall appear by an attorney
31 in all cases unless **the amount in controversy, exclusive of costs, interest, or**

1 **attorney fees, is \$7,500 or less or** an exception to the corporation's appearance by an
2 attorney has been explicitly made by law.

3 * **Sec. 4.** Rule 17(b), Alaska District Court Civil Rules, is amended to read:

4 (b) Judgment on the **pleadings and summary judgment** [PLEADING] may
5 be entered **after motion by a party and as otherwise allowed under** [PURSUANT
6 TO] Rules 13(b) and 10(d).

7 * **Sec. 5.** This Act takes effect immediately under AS 01.10.070(c).