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IN THE SENATE

BY Senator Robinson
by Request

SENATE BILL NO. 104

IN THE LEGISLATURE OF THE TERRITORY OF ALASKA
TWENTY-FIRST SESSION

A BILL

For an Act entitled: "An Act relating to missing persons;
creating presumption of death; and
providing for presumptive death
certificates."

BE IT ENACTED BY THE LEGISLATURE OF THE TERRITORY OF ALASKA:

Section 1. Whenever a petition is presented by any interested person to the United States Commissioner of any precinct alleging that a certain designated person has disappeared and after due and diligent search cannot be found, and when it appears to the satisfaction of the Commissioner that the circumstances surrounding such disappearance afford reasonable grounds for the belief that such person has suffered death, the Commissioner shall summon and impanel a jury of six qualified persons, residents of the community in which such missing person resided immediately prior to his disappearance, to inquire into the facts surrounding and the presumption to be raised from such disappearance.

Section 2. The members of the jury, before entering upon the discharge of their duties, shall each take an oath to diligently inquire into and justly consider all the facts and circumstances concerning the disappearance of such person, and from a fair consideration thereof to determine whether the Commissioner is justified in entering an order declaring that such person is presumed to be dead.

1 Section 3. All witnesses that may be offered shall be
2 heard and shall be permitted to testify under oath in such
3 matter. ^{with} For the purpose of subpoenaing witnesses and compelling
4 them to attend and testify and punishing them for disobedience,
5 the Commissioner shall have the power and authority conferred
6 upon justices of the peace with respect to examinations in civil
7 and criminal cases.

8 Section 4. After having heard all evidence presented the
9 jury shall retire to agree upon a verdict. If the jury, ~~or~~
10 ~~two-thirds of their number,~~ by their ^{unanimous} verdict in writing find
11 that sufficient evidence has been presented to them from which
12 it fairly may be presumed that such missing person has met
13 death, and if the Commissioner approve such finding, then ^{and} such
14 person shall be presumed to be dead and the Commissioner shall
15 enter an order to that effect.

16 Section 5. The Commissioner, members of the jury and
17 witnesses shall be entitled to the same compensation as in civil
18 actions in a justice's court, and such compensation and other
19 incidental expenses shall be audited and allowed as in the case
20 of other similar expenses incurred by Commissioners and now
21 audited and allowed.

22 Section 6. After the Commissioner has entered an order
23 declaring that such person is presumed to be dead, ^{the} ~~the~~
24 Commissioner shall make out and sign a certificate entitled
25 "Presumptive Death Certificate" in the form and manner, and
26 containing such information, as may be required by the
27 Territorial Bureau of Vital Statistics. Such certificate shall
28 be recorded by the Commissioner and then filed with the Bureau
29 of Vital Statistics. Such certificate, or a certified copy

1 thereof, shall constitute prima facie evidence of the death of
2 the person named therein for any and all purposes including,
3 without limitation, laws relating to administration of estates
4 of deceased persons.

5 Section 7. The Bureau of Vital Statistics shall make
6 provisions for the correction, substitution or removal of such
7 certificates where the body of such person is later found, where
8 additional facts are brought to light, or where the person is
9 later discovered to be alive.

10 Section 8. This Act shall be construed so as to operate
11 retrospectively.

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