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TO THE HOUSE

BY Senator Rivers, by request.

SENATE BILL NO. 60

AN ACT TO AMEND SECTION 53-2-5, AGLA
AND TO REPEAL SECTION 53-2-5, AGLA

A BILL

For an Act entitled: "An Act to amend Section 53-2-5, AGLA 1949, pertaining to the change of place of trial in the district court for the Territory of Alaska; and declaring an emergency."

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

Section 1. Section 53-2-5, AGLA, 1949 is hereby amended to read as follows:

Section 53-2-5. Territorial extent of jurisdiction.
Change of place of trial. The jurisdiction of each division of the court shall extend over the Territory of Alaska, but the court in which the action is pending (1) shall, on motion, change the place of trial in any action, civil or criminal, from one place to (ANOTHER) such other place in the same division or to (A) such designated place in another division as the parties to such action may determine by stipulation or, in the absence of such stipulation, shall be determined by the court, bearing in mind the convenience and the protection of the rights of such parties, in either of the following cases:

First. When there is reason to believe that an impartial trial can not be had therein;

Second. When the convenience of witnesses and the course of justice would be promoted by the change;

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Third. When from any cause the judge is disqualified from acting; but in such event, if the judge of another division will appear and try the action, no change of place of trial must be made;

Fourth. By the court, on its own motion, when, considering available means of travel, it appears that the defendant will be put to unnecessary expense and inconvenience if summoned to defend in the place or division in which the action has been commenced; and when it appears to the satisfaction of the court, or judge thereof, that an action has been commenced in a place or division remote from the residence of the defendant for the purpose of causing unnecessary expense or inconvenience, the place of trial shall be changed at the cost of the plaintiff, and such costs shall not be recovered from the defendant.

In any criminal prosecution the court shall change the place of trial where it appears to the satisfaction of the court that the defendant will not be prejudiced thereby (A) or that the United States will be put to unnecessary expense in such criminal prosecution if the transfer is not made.

Section 2. An emergency is hereby declared to exist and this act shall take effect immediately upon its passage and approval.

10/1/60