

1 IN THE HOUSE

BY MR. HILLSTRAND BY REQUEST

2

HOUSE BILL NO. 198

3

IN THE LEGISLATURE OF THE TERRITORY OF ALASKA

4

TWENTY-THIRD SESSION

5

A BILL

6 For an Act entitled: "An Act to amend Section 53-2-5, ACLA
7 1949, pertaining to the change of place
8 of trial in the district court for the
9 Territory of Alaska; and declaring an
10 emergency."

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

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

14 Section 53-2-5. Territorial extent of juris-
15 isdiction; Change of place of trial. The jurisdiction of
16 each division of the court shall extend over the Territory
17 of Alaska, but the court in which the action is pending
18 MAY shall, on motion, change the place of trial in any
19 action, civil or criminal, from one place to ANOTHER
20 such other place in the same division or to A such
21 designated place in another division as the parties to
22 such action may determine by stipulation or, in the
23 absence of such stipulation, shall be determined by the
24 court, bearing in mind the convenience and the protection
25 of the rights of such parties, in either of the following
26 cases:

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

29 Second. When the convenience of witnesses and the

1 ends of justice would be promoted by the change;

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

6 Fourth. By the court, on its own motion, when,
7 considering available means of travel, it appears that
8 the defendant will be put to unnecessary expense and
9 inconvenience if summoned to defend in the place or divi-
10 sion in which the action has been commenced; and when it
11 appears to the satisfaction of the court, or judge thereof,
12 that an action has been commenced in a place or division
13 remote from the residence of the defendant for the purpose
14 of causing unnecessary expense or inconvenience, the
15 place of trial shall be changed at the cost of the plain-
16 tiff, and such costs shall not be recovered from the
17 defendant.

18 In any criminal prosecution the court shall change
19 the place of trial where it appears to the satisfaction
20 of the court that the defendant will not be prejudiced
21 thereby and that the United States will be put to un-
22 necessary expense in such criminal prosecution if the
23 transfer is not made.

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