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IN THE SENATE

BY THE RULES COMMITTEE  
BY REQUEST OF THE GOVERNOR

SENATE BILL NO. 223

IN THE LEGISLATURE OF THE STATE OF ALASKA

FIRST LEGISLATURE - SECOND SESSION

A BILL

For an Act entitled: "An Act amending the juvenile code in respect to violations of state traffic statutes and regulations and traffic ordinances and regulations of incorporated municipalities; amending Sec. 4, Ch. 145, SLA 1957; and providing for an effective date."

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

Section 1. Sec. 4, Ch. 145, SLA 1957, is amended to read as follows:

Sec. 4. JURISDICTION. Except as otherwise provided herein, and subject to the prior jurisdiction of the superior court for the State of [UNITED STATES DISTRICT COURT IN] Alaska, jurisdiction in cases of minors under eighteen years of age shall be vested in the district magistrate's [JUSTICES'] courts, which shall have exclusive original jurisdiction in proceedings concerning any minor residing or found in this state [TERRITORY] who:

(1) has violated any law of the state [UNITED STATES OR THE TERRITORY,] or any ordinance or regulation of a political subdivision of the state [TERRITORY];

(2) by reason of being wayward or habitually disobedient is uncontrolled by his parent, guardian or custodian

(3) is habitually truant from school or home, or

1 habitually so conducts himself as to injure or endanger the  
2 morals or health of himself or others;

3 (4) is abandoned by his parent, guardian or  
4 custodian;

5 (5) lacks proper parental care by reason of the  
6 faults, habit or neglect of his parent, guardian or custo-  
7 dian;

8 (6) associates with vagrant, vicious or immoral  
9 people, or engages in an occupation or is in a situation  
10 dangerous to life or limb or injurious to the health, morals,  
11 or welfare of himself or others;

12 (7) is a full orphan who has no relatives willing  
13 and able to assume custody and care;

14 (8) has been released by his parent or parents,  
15 or guardian, to the Department of Health and Welfare  PUBLIC  
16 WELFARE  for adoptive purposes; or

17 (9) is in need of special care or training not  
18 otherwise provided.

19 Provided, that when a minor is accused of violating any  
20 traffic statute or regulation or any traffic ordinance or  
21 regulation of an incorporated municipality, the procedure  
22 described in Sec. 5 through Sec. 10 need not be followed,  
23 except that a parent, guardian or legal custodian shall be  
24 present at all proceedings in the district magistrate's  
25 court. The minor accused of a traffic offense shall be  
26 charged, prosecuted, and sentenced in the same manner as if  
27 he were an adult.  SAID JUSTICE'S COURT MAY WAIVE JURIS-  
28 DICTION TO THE CITY MAGISTRATE'S COURT IN THE CASE OF A  
29 MINOR WHO HAS VIOLATED ANY TRAFFIC ORDINANCE OR REGULATION

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OF AN INCORPORATED MUNICIPALITY: PROVIDED FURTHER, THAT WHEN JURISDICTION IS SO WAIVED TO THE MAGISTRATE'S COURT, THE PROCEDURE PRESCRIBED IN SECTIONS 5 THROUGH 10 OF THIS ARTICLE NEED NOT BE FOLLOWED, EXCEPT THAT A PARENT, GUARDIAN OR LEGAL CUSTODIAN SHALL BE PRESENT AT ALL PROCEEDINGS IN THE MAGISTRATE'S COURT.]

The district magistrate's [JUSTICE'S] court shall also have exclusive jurisdiction in any controversy concerning the custody of a minor, except divorce actions, actions for separate maintenance and actions under the Uniform Reciprocal Enforcement of Support Act. The district magistrate's [JUSTICE'S] court shall have the power to appoint a guardian of the person and property of any minor within its jurisdiction and shall have the power to order support from either parent or from both. In any of the aforesaid actions cognizable in the superior court, [DISTRICT COURT] the superior court [DISTRICT COURT] may order the minor delivered to the custody of the Department of Health and Welfare [WELFARE DEPARTMENT], if the court [COURT] deems such action in the best interest of the minor, and in such case the Department of Health and Welfare [WELFARE DEPARTMENT] shall receive such money as the court [COURT] may order paid for the support of the child.

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