

1 IN THE SENATE

BY THE RULES COMMITTEE
BY REQUEST OF THE GOVERNOR

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SENATE BILL NO. 223

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IN THE LEGISLATURE OF THE STATE OF ALASKA

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FIRST LEGISLATURE - SECOND SESSION

5

A BILL

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

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

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

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follows:

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Sec. 4. JURISDICTION. Except as otherwise provided

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herein, and subject to the prior jurisdiction of the

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superior court for the State of [UNITED STATES DISTRICT

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COURT IN] Alaska, jurisdiction in cases of minors under

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eighteen years of age shall be vested in the district magis-

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trate's [JUSTICES'] courts, which shall have exclusive

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original jurisdiction in proceedings concerning any minor

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residing or found in this state [TERRITORY] who:

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(1) has violated any law of the state [UNITED

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STATES OR THE TERRITORY,] or any ordinance or regulation of

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a political subdivision of the state [TERRITORY];

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(2) by reason of being wayward or habitually dis-

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obedient is uncontrolled by his parent, guardian or custodian;

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

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

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

(5) lacks proper parental care by reason of the faults, habit or neglect of his parent, guardian or custodian;

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

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

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

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

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

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

7 The district magistrate's [JUSTICE'S] court shall also
8 have exclusive jurisdiction in any controversy concerning
9 the custody of a minor, except divorce actions, actions for
10 separate maintenance and actions under the Uniform Recipro-
11 cal Enforcement of Support Act. The district magistrate's
12 [JUSTICE'S] court shall have the power to appoint a guardian
13 of the person and property of any minor within its juris-
14 diction and shall have the power to order support from either
15 parent or from both. In any of the aforesaid actions cog-
16 nizable in the superior court, [DISTRICT COURT] the superior
17 court [DISTRICT COURT] may order the minor delivered to the
18 custody of the Department of Health and Welfare [WELFARE
19 DEPARTMENT], if the court [COURT] deems such action in the
20 best interest of the minor, and in such case the Department
21 of Health and Welfare [WELFARE DEPARTMENT] shall receive
22 such money as the court [COURT] may order paid for the
23 support of the child.

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