

1 IN THE SENATE

BY JUDICIARY COMMITTEE

2 SENATE BILL NO. 251

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 FIRST LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act relating to judicial officers and  
7 providing for the disqualification of  
8 judicial officers in certain instances;  
9 amending subdivision Fifth, Sec. 54-2-1,  
10 ACLA, 1949; and providing for an effective  
11 date."

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

13 Section 1. Subdivision Fifth, Sec. 54-2-1, ACLA, 1949, is  
14 amended to read as follows:

15 Fifth. Whenever any party, or any attorney for any  
16 party, to any action or proceeding, civil or criminal, shall  
17 make and file an affidavit that the judge before whom the  
18 action or proceeding is to be tried or heard has a personal  
19 bias or prejudice either against him or his attorney or in  
20 favor of any opposite party, or attorney for an opposite  
21 party, to the suit, and that it is made in good faith and  
22 not for the purpose of delay. Every such affidavit shall  
23 state the facts and the reasons for the belief that such  
24 bias or prejudice exists, and shall be filed within one day  
25 after such action, suit, or proceeding is at issue upon a  
26 question of fact, or good cause shall be shown for the  
27 failure to file it within such time. Upon the filing of an  
28 affidavit as provided in this Act the judge against whom  
29 such affidavit has been filed is thereby disqualified from

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acting as a judicial officer in such action or proceeding.  
No party or attorney shall be entitled to file more than  
one such affidavit in any case. The provisions of this  
subdivision shall apply only to the superior and district  
magistrate courts [DISTRICT COURT].

But this section does not apply to an application to  
change the place of trial or the regulation of the order of  
business in court. In the cases specified in subdivisions  
three and four the disqualification may be waived by the  
parties and shall be deemed to be waived unless an applica-  
tion be made as provided in this code.

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