

1 IN THE HOUSE

BY RULES COMMITTEE  
BY REQUEST OF THE GOVERNOR

2 HOUSE BILL NO. 51

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 SECOND LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act amending the juvenile code to permit  
7 prosecution of minors as adults for viola-  
8 tions of traffic statutes, regulations and  
9 municipal ordinances; amending Sec. 4 and  
10 Sec. 15, Art. I, Ch. 145, SLA 1957; and  
11 providing for an effective date."

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

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

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

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

26 (2) by reason of being wayward or habitually dis-  
27 obedient is uncontrolled by his parent, guardian or custodian;

28 (3) is habitually truant from school or home, or  
29 habitually so conducts himself as to injure or endanger the

1 morals or health of himself or others;

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

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

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

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

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

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

18 Provided, that when a minor is accused of violating any  
19 traffic statute or regulation, or [SAID JUSTICE'S COURT MAY  
20 WAIVE JURISDICTION TO THE CITY MAGISTRATE'S COURT IN THE CASE  
21 OF A MINOR WHO HAS VIOLATED] any traffic ordinance or regula-  
22 tion of an incorporated municipality, excepting 50-5-5, ACLA  
23 1949, Ch. 107, SLA 1955, or subsec. (1), Ch. 182, SLA 1955,  
24 as these provisions are amended or may be amended or any  
25 statute the violation of which is a felony [; PROVIDED  
26 FURTHER, THAT WHEN JURISDICTION IS SO WAIVED TO THE MAGIS-  
27 TRATE'S COURT], the procedure prescribed in Secs. 5 through  
28 10 of this article need not be followed, except that a parent,  
29 guardian or legal custodian shall be present in all proceedings

1 in the city or district magistrate's court. The minor  
2 accused of such a traffic offense may be charged, prosecuted,  
3 and sentenced in the same manner as if he were an adult.

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

21 Sec. 2. EFFECTIVE DATE. This Act takes effect on the day  
22 after its passage and approval or on the day it becomes law with-  
23 out such approval.

24 Passed by the House February 24, 1961.

25  
26 Speaker of the House

27 ATTEST:

28  
29 Chief Clerk of the House

HB #51 as amended