

1 IN THE SENATE

BY SENATOR POLLOCK

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SENATE BILL NO. 194

3

IN THE LEGISLATURE OF THE STATE OF ALASKA

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SECOND LEGISLATURE - SECOND SESSION

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A BILL

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For an Act entitled: "An Act relating to transfer of complaints
7 in actions for the violation of municipal
8 traffic ordinances."

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

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Section 1. TRANSFER OF COMPLAINT. (a) A magistrate shall

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transfer a complaint alleging violation of a municipal traffic

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ordinance if (1) the defendant does not appear at the proper

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time to answer the complaint and (2) a prosecuting attorney

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affirms on information and belief that the defendant's residence

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is not in or near the municipality where the offense is alleged

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to have occurred, but is somewhere else within the state.

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(b) A magistrate shall transfer a complaint under (a) of

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this section to the presiding magistrate in the judicial district

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where the defendant lives. The presiding magistrate shall assign

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the case to a magistrate who ordinarily hears cases arising in

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the area in which the defendant is said to reside.

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Sec. 2. HEARING ON COMPLAINT; TRANSFER OF PLACE OF TRIAL.

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(a) A magistrate to whom a complaint is assigned under this Act

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shall proceed as if the complaint had originally been sworn to

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before him.

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(b) If the defendant pleads guilty at the hearing held on a

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complaint transferred under this Act, the magistrate shall impose

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a penalty under the ordinance of the municipality where the

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offense took place. If the defendant pleads not guilty, or

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1 refuses to plead, the magistrate shall require the defendant to
2 post bond conditioned on the defendant's appearance at trial, and
3 shall transfer the place of trial to the magistrate in or nearest
4 the municipality where the offense is alleged to have occurred.
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