

1 IN THE SENATE

BY SENATOR POLLOCK

2 SPONSOR SUBSTITUTE FOR SENATE BILL NO. 195

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 SECOND LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act relating to the district magistrate
7 courts; repealing and re-enacting Secs. 1 and
8 2, Art. I, Ch. 184, SLA 1959; amending Secs.
9 3(1), 5(1), 6, 7(2), 10A as added by Ch. 82,
10 SLA 1961, 12 and 20(4) of Art. I, and Sec. 25
11 of Art. II, Ch. 184, SLA 1959; and providing
12 for an effective date."

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

14 Section 1. Sec. 1, Art. I, Ch. 184, SLA 1959, is repealed
15 and re-enacted to read:

16 Section 1. ESTABLISHMENT OF THE DISTRICT MAGISTRATE
17 COURT. There is created a district magistrate court for the
18 state. The court consists of four districts which correspond
19 to the four districts of the superior court.

20 Sec. 2. Sec. 2, Art. I, Ch. 184, SLA 1959, is repealed and
21 re-enacted to read:

22 Sec. 2. NUMBER OF MAGISTRATES. The number of district
23 and deputy magistrates within each judicial district may be
24 established and increased or decreased by rule of the supreme
25 court.

26 Sec. 3. Sec. 3(1), Art. I, Ch. 184, SLA 1959, is amended to
27 read:

28 (1) The civil jurisdiction of the district magistrate
29 court extends over the entire state. The district magistrate

1 court shall have jurisdiction of civil cases and proceedings
2 as follows:

3 (a) For the recovery of money or damages only
4 when the amount claimed exclusive of costs, interest and
5 attorneys fees does not exceed three thousand (\$3,000.00)
6 dollars;

7 (b) For the recovery of specific personal
8 property, when the value of the property claimed and the
9 damages for the detention do not exceed three thousand
10 (\$3,000.00) dollars;

11 (c) For the recovery of any penalty or forfeiture,
12 whether given by statute or arising out of contract, not
13 exceeding three thousand (\$3,000.00) dollars;

14 (d) To give judgment without action upon the
15 confession of the defendant for any of the cases specified
16 in this section, except for a penalty or forfeiture imposed
17 by statute;

18 (e) For establishing the fact of death of any
19 person in the manner prescribed in Ch. 89, SLA 1953;

20 (f) For cases involving minors under the age of
21 eighteen years and arising under the provisions of Ch. 145,
22 SLA 1957, as amended;

23 (g) For proceedings under the "Village Incorpor-
24 ration Act of 1957" (Ch. 150, SLA 1957).

25 Sec. 4. Sec. 5(1), Art. I, Ch. 184, SLA 1959, is amended
26 to read:

27 (1) The criminal jurisdiction of the district magis-
28 trate court extends over the entire state. The district
29 magistrate court shall have jurisdiction of the following

1 crimes:

2 (a) Of any misdemeanor unless herein otherwise
3 provided.

4 (b) Violations of ordinances of political
5 subdivisions.

6 Sec. 5. Sec. 6, Art. I, Ch. 184, SLA 1959, is amended to
7 read:

8 Sec. 6. [JURISDICTION AND] VENUE.

9 [(1) THE CRIMINAL JURISDICTION OF THE DISTRICT MAGIS-
10 TRATE COURT SHALL EXTEND OVER THE ENTIRE STATE; THE CIVIL
11 JURISDICTION OF SAID COURT SHALL EXTEND OVER THE WHOLE OF
12 THE JUDICIAL DISTRICT.]

13 [(2)] The court in which an [THE] action is pending
14 shall change the place of trial in any action from one place
15 to another place in the same judicial district or to a des-
16 ignated place in another judicial district when the court
17 finds any of the following:

18 (a) There is reason to believe that an impartial
19 trial cannot be had therein;

20 (b) The convenience of witnesses and the ends of
21 justice would be promoted by the change;

22 (c) The magistrate is disqualified from acting;
23 but in such event, if another magistrate is assigned to try
24 the action, no change of place of trial need be made;

25 (d) That the defendant will be put to unnecessary
26 expense and inconvenience. Should the court find that said
27 expense and inconvenience was intentionally caused, the
28 court may assess costs against the plaintiff.

29 Sec. 6. Sec. 7(2), Art. I, Ch. 184, SLA 1959, is amended to

1 read:

2 (2) The court shall meet in each [ITS] district at
3 such times and at such place or places therein as may be
4 designated by rule or order of the supreme court. The
5 district magistrate court[S] is [ARE] vested with all power
6 and authority necessary to carry into complete execution all
7 its [THEIR] judgments, decrees and determinations in all
8 matters within its [THEIR] jurisdiction according to the
9 constitution, the laws of the state and the common law.

10 Sec. 7. Sec. 10A, Art. I, Ch. 184, SLA 1959, as added by
11 Ch. 82, SLA 1961, is amended to read:

12 Sec. 10A. JURY TRIALS. The trial jury in the magis-
13 trate court[S] shall consist of a body of persons six in
14 number.

15 Sec. 8. Sec. 12, Art. I, Ch. 184, SLA 1959, is amended to
16 read:

17 Sec. 12. SELECTION AND TENURE OF MAGISTRATES. The
18 presiding judge of the superior court in each judicial
19 district shall appoint the district magistrates and deputy
20 magistrates [FOR THE DISTRICT MAGISTRATE COURT] for his
21 judicial district. They shall serve at the pleasure of
22 such presiding judge. Vacancies shall be filled in the
23 same manner as appointment.

24 Sec. 9. Sec. 20(4), Art. I, Ch. 184, SLA 1959, is amended
25 to read:

26 (4) FURTHER RULES. The supreme court shall prescribe
27 further rules for the procedure for appeals from the district
28 magistrate court[S].

29 Sec. 10. Sec. 25, Art. II, Ch. 184, SLA 1959, is amended

1 to read:

2 Sec. 25. DECLARATION OF INTENT. It is the intent of
3 the Legislature by the passage of this Act to implement the
4 organization of the state courts provided for in the Con-
5 stitution of the State of Alaska by establishing a sub-
6 ordinate court[S] as an integral part of a unified judicial
7 system. To this end, the district magistrate court[S AS
8 HEREIN ESTABLISHED] shall constitute the sole and exclusive
9 subordinate court system of the state. Its [THEIR] juris-
10 diction is hereby declared to be supplementary to the original
11 jurisdiction of the superior court, and to the extent provided
12 herein shall be concurrent therewith.

13 The Legislature recognizes that, because of the size
14 and scattered population of the state, with its remote and
15 isolated settlements, complexities within a unified court
16 system necessarily arise. Therefore, in order to avoid a
17 duplication of subordinate court jurisdictions, and to provide
18 prompt and efficient administration of justice, there is
19 established in this Act a single subordinate court [WITHIN
20 EACH JUDICIAL DISTRICT, BUT WITH EACH SUCH DISTRICT MAGISTRATE
21 COURT] having as court officers district magistrates with
22 general trial power [WITHIN LIMITS OF THE COURT'S JURISDICTION]
23 and deputy magistrates of limited trial power sufficient to
24 meet the immediate requirements of justice in the less pop-
25 ulated areas of the state.

26 Sec. 11. SAVING CLAUSE. This Act does not affect litigation
27 begun prior to the effective date of this Act.

28 Sec. 12. EFFECTIVE DATE. This Act takes effect on the day
29 after its passage and approval or on the day it becomes law

1 without such approval.

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