

1 IN THE SENATE

BY ZIEGLER

2

SENATE BILL NO. 202

3

IN THE LEGISLATURE OF THE STATE OF ALASKA

4

FOURTH LEGISLATURE - SECOND SESSION

5

A BILL

6

For an Act entitled: "An Act relating to jurisdiction and venue
7 in criminal actions."

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

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* Section 1. AS 22.10 is amended by adding a new section to
10 read:

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Sec. 22.10.35. LIMITATION ON CONCURRENT JURISDICTION.

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If the superior court and the magistrate court have concur-
13 rent jurisdiction of the same offense, the court which first
14 acquires jurisdiction of the prosecution retains it to the
15 exclusion of the other court as long as it is pending in
16 that court. If the prosecution is dismissed, it may not be
17 refiled in the other court.

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* Sec. 2. AS 22.10.040 is amended to read:

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Sec. 22.10.040. CHANGE OF VENUE. (a) The superior

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court in which a civil [THE] action is pending may change
21 the place of trial in the [AN] action from one place to
22 another place in the same judicial district or to a desig-
23 nated place in another judicial district for any of the
24 following reasons:

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(1) when there is reason to believe that an im-
26 partial trial cannot be had;

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(2) when the convenience of witnesses and the ends
28 of justice would be promoted by the change;

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(3) when for any cause the judge is disqualified

1 from acting, but if the judge of another judicial district is
2 assigned to try the action, no change of place of trial need
3 be made [; (4) IF THE COURT FINDS THAT THE DEFENDANT WILL
4 BE PUT TO UNNECESSARY EXPENSE AND INCONVENIENCE, AND IF THE
5 COURT FINDS THAT THE EXPENSE AND INCONVENIENCE WAS INTEN-
6 TIONALLY CAUSED, THE COURT MAY ASSESS COSTS AGAINST THE
7 PLAINTIFF].

8 (b) The court may change the place of trial in a
9 criminal action upon the request of the defendant for any of
10 the reasons set out in (a) of this section.

11 * Sec. 3. AS 22.15.080 is amended to read:

12 Sec. 22.15.080. VENUE. (a) The court in which a civil
13 [AN] action is pending shall change the place of trial of the
14 action from one place to another place in the same judicial
15 district or to a designated place in another judicial dis-
16 trict when the court finds any of the following:

17 (1) there is reason to believe that an impartial
18 trial cannot be had;

19 (2) the convenience of witnesses and the ends of
20 justice would be promoted by the change;

21 (3) the magistrate is disqualified from acting,
22 but if another magistrate is assigned to try the action, no
23 change of place of trial need be made [; (4) THE DEFENDANT
24 WILL BE PUT TO UNNECESSARY EXPENSE AND INCONVENIENCE, AND IF
25 THE COURT FINDS THAT THE EXPENSE AND INCONVENIENCE WAS IN-
26 TENTIONALLY CAUSED, THE COURT MAY ASSESS COSTS AGAINST THE
27 PLAINTIFF].

28 (b) The court shall change the place of trial in a
29 criminal action upon the request of the defendant if the

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court finds that any of the reasons for change of venue set
out in (a) of this section exist.