

Introduced: 2/5/67
Referred: Judiciary

1 IN THE HOUSE

BY FRITZ BY REQUEST

2 HOUSE BILL NO. 119

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 FIFTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act relating to jurisdiction of courts in cases
7 concerning delinquent and dependent minors."

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

9 * Section 1. AS 47.10.010(a) is amended to read:

10 (a) The court has jurisdiction in the case of a minor under 18
11 years of age who resides or is found in the state and who [EXCEPT AS
12 OTHERWISE PROVIDED IN THIS CHAPTER, AND SUBJECT TO THE PRIOR JURISDIC-
13 TION OF THE SUPERIOR COURT, JURISDICTION IN CASES OF MINORS UNDER 18
14 YEARS OF AGE IS VESTED IN THE DISTRICT MAGISTRATE COURT. THE DISTRICT
15 MAGISTRATE COURT HAS EXCLUSIVE ORIGINAL JURISDICTION IN PROCEEDINGS
16 CONCERNING A MINOR RESIDING OR FOUND IN THE STATE WHO]

17 (1) violates a law of the state, or an ordinance or regula-
18 tion of a political subdivision of the state;

19 (2) by reason of being wayward or habitually disobedient is
20 uncontrolled by his parent, guardian or custodian;

21 (3) is habitually truant from school or home, or habitually
22 so conducts himself as to injure or endanger the morals or health of
23 himself or others;

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

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

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

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1 (7) is an orphan who has no relatives willing and able to
2 assume custody and care;

3 (8) has been released by his parent or parents, or guardian,
4 to the department for adoptive purposes; or

5 (9) is in need of special care or training not otherwise
6 provided.

7 * Sec. 2. AS 47.10.010(c) is amended to read:

8 (c) The [DISTRICT MAGISTRATE] court has [EXCLUSIVE] jurisdiction
9 in a controversy concerning the custody of a minor [, EXCEPT DIVORCE
10 ACTIONS, ACTIONS FOR SEPARATE MAINTENANCE AND ACTIONS UNDER THE UNIFORM
11 RECIPROCAL ENFORCEMENT OF SUPPORT ACT (AS 25.25)]. The [DISTRICT
12 MAGISTRATE] court may appoint a guardian of the person and property of
13 a minor within its jurisdiction and may order support from either
14 parent or from both. The [IN AN ACTION COGNIZABLE IN THE SUPERIOR
15 COURT THE SUPERIOR] court may order the minor delivered to the custody
16 of the Department of Health and Welfare, if the court considers this
17 action in the best interest of the minor, and in that case the depart-
18 ment shall receive the money which the court orders paid for the support
19 of the child.

20 * Sec. 3. AS 47.10 is amended by adding a new section to read:

21 Sec. 47.10.013. HEARING OFFICERS. (a) The court may appoint
22 hearing officers to conduct hearings under this chapter and to prepare
23 proposed decisions. The court may appoint a person as hearing officer
24 if that person is qualified for appointment as a district magistrate.
25 The court may appoint district and deputy magistrates and hearing
26 officers appointed under the Administrative Procedure Act (AS 44.62)
27 as hearing officers.

28 (b) A hearing officer shall conduct a hearing under the same
29 procedures used by the court in conducting hearings under this chapter.

1 (c) The court may
2 (1) accept a proposed decision prepared by a hearing officer;
3 (2) reject the proposed decision and order the hearing
4 officer to take additional evidence and prepare a new decision; or
5 (3) reject the proposed decision, hear the evidence itself,
6 and prepare its own decision.

7 (d) A hearing officer has all powers possessed by the court under
8 this chapter, but is subject to the control of the court, and may not
9 make final decisions or orders.

10 * Sec. 4. AS 47.10.060(a) is repealed and re-enacted to read:

11 (a) If the court finds at a hearing on a petition that there is
12 probable cause for believing that a minor is delinquent and finds that
13 the minor is not amenable to treatment under this chapter, it shall
14 order the case closed. After a case is closed under this subsection,
15 the minor may be prosecuted as if he were an adult.

16 * Sec. 5. AS 47.10.160(2) is amended to read:

17 (2) require and collect statistics on juvenile offensee and
18 offenders [HANDLED BY ALL DISTRICT MAGISTRATE COURTS] in Alaska;

19 * Sec. 6. AS 47.10.290(1) is amended to read:

20 (1) "court" means the superior court [DISTRICT MAGISTRATE
21 COURTS] of the state;

22 * Sec. 7. AS 22.15.030(a)(6), 47.10.060(b), and 47.10.060(c) are repealed.
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