

HCS

1 IN THE SENATE

BY ZIEGLER

2 SENATE BILL NO. 3

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 SIXTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act relating to the peremptory disqualification of  
7 district and superior court judges."

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

9 \* Section 1. AS 22.20.022 is amended to read:

10 Sec. 22.20.022. PEREMPTORY DISQUALIFICATION OF A DISTRICT OR  
11 SUPERIOR COURT JUDGE. (a) If a party or his attorney in a district or  
12 superior court action, civil or criminal, files an affidavit alleging  
13 under oath that he believes that he cannot obtain a fair and impartial  
14 trial, the presiding judge shall at once, and without requiring proof,  
15 assign the action to another judge of that district, or if there is  
16 none, the chief justice of the supreme court shall assign a judge for  
17 the hearing or trial of the action. The affidavit shall contain a  
18 statement that it is made in good faith and not for the purpose of  
19 delay.

20 (b) No judge or court may punish a person for contempt for  
21 making, filing or presenting the affidavit provided for in this section,  
22 or a motion founded on the affidavit.

23 (c) The affidavit shall be filed within five days after the case  
24 is at issue upon a question of fact, or within five days after the  
25 issue is assigned to a judge, whichever event occurs later, unless good  
26 cause is shown for the failure to file it within that time.

27 (d) No party or his attorney may file more than one affidavit  
28 under this section in an action and no more than two affidavits in an  
29 action.