

Original sponsor: Ziegler

Offered: 4/30/69
Referred: Finance

1 IN THE SENATE BY THE JUDICIARY COMMITTEE

2 HOUSE CS FOR 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, objects to trial before the
13 judge assigned to hear the action [FILES AN AFFIDAVIT ALLEGING UNDER
14 OATH THAT HE BELIEVES THAT HE CANNOT OBTAIN A FAIR AND IMPARTIAL
15 TRIAL], the presiding judge shall at once [, AND WITHOUT REQUIRING
16 PROOF,] assign the action to another judge of that district, or if
17 there is none, the chief justice of the supreme court shall assign a
18 judge for the hearing or trial of the action. The peremptory challenge
19 [AFFIDAVIT] shall contain a statement that it is made in good faith and
20 not for the purpose of delay.

21 (b) No judge or court may punish a person for contempt for
22 making, filing or presenting the challenge [AFFIDAVIT] provided for in
23 this section [, OR A MOTION FOUNDED ON THE AFFIDAVIT].

24 (c) The challenge [AFFIDAVIT] shall be filed within five days
25 after the case is at issue upon a question of fact, or within five
26 days after the issue is assigned to a judge, whichever event occurs
27 later, unless good cause is shown for the failure to file it within
28 that time, but in no event after trial begins.

29 (d) No party or his attorney may file more than one challenge

1 [AFFIDAVIT] under this section in an action and no more than two
2 challenges may be filed [AFFIDAVITS] in an action.
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