

Original sponsor: Moran

Offered: 2/21/72  
Referred: Rules

1 IN THE HOUSE

BY THE JUDICIARY COMMITTEE

2 CS FOR HOUSE BILL NO. 566

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 SEVENTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act relating to removal of magistrates from office."

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

8 \* Section 1. AS 22.15.170(c) is amended to read:

9 (c) The presiding judge of the superior court in each judicial  
10 district shall appoint the magistrates for the district court for  
11 the judicial district. A magistrate may be removed from office only  
12 for cause and only after a written complaint against him has been  
13 submitted to the presiding superior court judge for the judicial  
14 district in which the magistrate serves. The presiding judge shall  
15 conduct a preliminary investigation to determine whether the complaint  
16 establishes probable cause for removal. If he finds that probable  
17 cause has not been established by the complaint and preliminary investi-  
18 gation, the presiding judge shall so notify, in writing, the magistrate  
19 complained of and the complainant. If the presiding judge finds that  
20 probable cause has been established, he shall appoint a panel of three  
21 judicial officers, at least one member of which is a magistrate from  
22 the same judicial district, to conduct an investigation and hearing  
23 and make a determination as to actual cause for removal. The panel  
24 shall establish the procedure for the investigation and hearing of a  
25 case before it, and, by a majority vote, finally determine the case.  
26 If the presiding superior court judge is the complainant he shall file  
27 the complaint with the chief justice of the supreme court who shall  
28 then appoint the panel [EACH MAGISTRATE SERVES AT THE PLEASURE OF THE  
29 PRESIDING JUDGE OF THE SUPERIOR COURT IN THE JUDICIAL DISTRICT FOR

1 WHICH APPOINTED].

2 \* Sec. 2. AS 22.20.030 is amended by adding a new paragraph to read:

3 (8) sit on a hearing panel as specified in AS 22.15.170(c).

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