

1 IN THE SENATE

BY ORSINI

2 SENATE BILL NO. 11

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 TENTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act relating to the service of civil process by the
7 Alaska State Troopers."

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

9 * Section 1. AS 18.65.080 is amended to read:

10 Sec. 18.65.080. POWERS AND DUTIES OF DEPARTMENT AND MEMBERS OF
11 STATE TROOPERS. (a) The Department of Public Safety and each member
12 of the state troopers is charged with the enforcement of all criminal
13 laws of the state, and has the power of a peace officer of the state
14 or a municipality and those powers usually and customarily exercised by
15 peace officers except as provided in (b) of this section. Each member of
16 the state troopers may prevent crime, pursue and apprehend offenders,
17 obtain legal evidence, institute criminal proceedings, execute any law-
18 ful warrant or order of arrest, make an arrest without warrant for a
19 violation of law committed in his presence, and may cooperate with other
20 law enforcement agencies in detecting crime, apprehending criminals,
21 and preserving law and order in the state.

22 (b) State troopers may act as servers of civil process only when
23 no other person, peace officer or method for execution of service is
24 available. State troopers may assist persons appointed to serve civil
25 process when that person encounters physical resistance or obstruction
26 to the service of civil process.

27 * Sec. 2. AS 22.20.110 is amended to read:

28 Sec. 22.20.110. (a) DUTY OF THE COMMISSIONER IN THE SUPERIOR
29 COURT AND DISTRICT COURTS. When required by the supreme court, the

1 commissioner shall serve and execute all process issued by the superior
2 court and the district courts, attend to and wait upon grand and petit
3 juries, maintain order, attend the sessions of the courts, and exercise
4 the power and perform the duties concerning all matters within the
5 jurisdiction of the courts as may be assigned to him. The commissioner
6 is the executive officer of the superior court and district courts.

7 (b) The commissioner shall be ordered to serve civil process by
8 a court of this state only when no other person, peace officer or method
9 for execution of service is available to relieve him or his designee
10 from that duty.

11 * Sec. 3. AS 22.20.120 is amended to read:

12 Sec. 22.20.120. GENERAL AUTHORITY AND DUTY OF THE COMMISSIONER.

13 The authority necessary for the lawful performance of the duties of
14 execution of service of process, seizure and detention of property, the
15 sale of property forfeited or levied upon, and arrest of persons, in
16 connection with civil matters, is vested in the commissioner, and such
17 other peace officers or specifically appointed persons as are designated
18 in the Rules of Civil Procedure. Any court of the state issuing any
19 process may direct the process for execution of service to the commis-
20 sioner or his designee subject to the limitation contained in sec.
21 110(b) of this chapter.

22 * Sec. 4. Sections 1, 2 and 3 of this Act have the effect of amending
23 Rule 4(c)(1) and (5), Rules of Civil Procedure, by limiting the use of state
24 troopers as servers of civil process to situations when no other peace
25 officer, person or method is available to serve process. The section con-
26 taining the change in court rule must be approved by an affirmative vote of
27 two-thirds of the membership to which the house is entitled.