

Introduced: 2/13/79  
Referred: Judiciary

BY THE JUDICIARY COMMITTEE  
BY REQUEST

1 IN THE SENATE

2 SENATE BILL NO. 172

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 ELEVENTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act relating to the peremptory disqualification of  
7 judges; and changing Rule 42, Rules of Civil Procedure,  
8 and Rule 25(d), Rules of Criminal Procedure."

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

10 \* Section 1. AS 22.20.022(a) is amended to read:

11 (a) If a party or his attorney in a district court action or a  
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 [DISTRICT COURT OR SUPERIOR COURT JUDGE,  
15 RESPECTIVELY,] shall at once, and without requiring proof, assign the  
16 action to another judge of the appropriate court who maintains a princi-  
17 pal residence in the court location where the action is pending [IN THAT  
18 DISTRICT, OR IF THERE IS NONE, THE CHIEF JUSTICE OF THE SUPREME COURT  
19 SHALL ASSIGN A JUDGE FOR THE HEARING OR TRIAL OF THE ACTION]. The affi-  
20 davit shall contain a statement that it is made in good faith and not  
21 for the purpose of delay.

22 \* Sec. 2. AS 22.20.022 is amended by adding a new subsection to read:

23 (e) This section does not apply in an action assigned to a su-  
24 perior court judge or to a district court judge who is the only judge of  
25 that court maintaining a principal residence in the court location where  
26 the action is pending.

27 \* Sec. 3. The amendments to AS 22.20.022 made in this Act have the effect  
28 of changing Rule 42, Rules of Civil Procedure, and Rule 25(d), Rules of  
29 Criminal Procedure, by allowing a change of judge by right only in cases

1 filed in those courts located where more than one judge maintains a principal  
2 residence.

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