

Introduced: 2/1/83
Referred: State Affairs and
Judiciary

1 IN THE SENATE

BY P. FISCHER

2

SENATE BILL NO. 100

3

IN THE LEGISLATURE OF THE STATE OF ALASKA

4

THIRTEENTH LEGISLATURE - FIRST SESSION

5

A BILL

6 For an Act entitled: "An Act relating to peremptory disqualification of a
7 judge and changing Rule 10(c) and Rule 25(d), Rules
8 of Criminal Procedure and Rule 42(c), Rules of Civil
9 Procedure; and providing for an effective date."

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

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

12 (a) If a party or a party's attorney in a district court action
13 or a superior court action, civil or criminal, files an affidavit
14 alleging under oath the belief that a fair and impartial trial cannot
15 be obtained, the presiding district court or superior court judge,
16 respectively, shall at once, and without requiring proof, assign the
17 action to another judge of the appropriate court in that district who
18 resides in the municipality where the disqualified judge presides [,
19 OR IF THERE IS NONE, THE CHIEF JUSTICE OF THE SUPREME COURT SHALL
20 ASSIGN A JUDGE FOR THE HEARING OR TRIAL OF THE ACTION]. The affidavit
21 shall contain a statement that it is made in good faith and not for
22 the purpose of delay.

23 * Sec. 2. AS 22.20.022 as amended by sec. 1 of this Act has the effect
24 of changing Rule 10(c) and Rule 25(d), Rules of Criminal Procedure, and
25 Rule 42(c), Rules of Civil Procedure, by eliminating peremptory disquali-
26 fication of a judge in a municipality in a district with only one resident
27 district court judge or one resident superior court judge.

28 * Sec. 3. AS 22.20.020 is amended by adding a new subsection to read:

29 (d) A judicial officer in a municipality with only one resident

1 district court judge or one resident superior court judge may be
2 disqualified only under this section or AS 22.30.070.
3 * Sec. 4. This Act takes effect immediately in accordance with AS 01.-
4 10.070(c).