

Offered: 2/22/85
Referred: Finance

Original sponsor: Judiciary/Chief Justice
Alaska Supreme Court

1 IN THE HOUSE

BY THE JUDICIARY COMMITTEE

2

CS FOR HOUSE BILL NO. 118 (Judiciary)

3

IN THE LEGISLATURE OF THE STATE OF ALASKA

4

FOURTEENTH LEGISLATURE - FIRST SESSION

5

A BILL

6 For an Act entitled: "An Act relating to small claims, and the duties of
7 magistrates; and providing for an effective date."

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

9 * Section 1. AS 22.15.040 is amended to read:

10 Sec. 22.15.040. SMALL CLAIMS. When a claim for relief does not
11 exceed \$5,000 [\$2,000] exclusive of costs, interest and attorney fees,
12 and request is so made, the district judge or magistrate shall hear
13 the action as a small claim unless important or unusual points of law
14 are involved. The supreme court shall prescribe the procedural rules
15 and standard forms to assure simplicity and the expeditious handling
16 of small claims.

17 * Sec. 2. AS 22.15.040 is amended by adding a new subsection to read:

18 (b) All potential small claim litigants shall be informed if
19 mediation, conciliation, and arbitration services are available as an
20 alternative to litigation.

21 * Sec. 3. AS 22.15.120 is amended to read:

22 Sec. 22.15.120. LIMITATIONS ON PROCEEDINGS WHICH MAGISTRATE MAY
23 HEAR. A magistrate shall preside only in cases and proceedings under
24 AS 22.15.040, 22.15.100, and 22.15.110, and as follows,

25 (1) for the recovery of money or damages only when the
26 amount claimed, exclusive of costs, interest, and attorney fees, does
27 not exceed \$5,000 [\$1,000];

28 (2) for the recovery of specific personal property when the
29 value of the property claimed and the damages for the detention do not

1 exceed \$5,000 [\$1,000];

2 (3) for the recovery of a penalty or forfeiture, whether
3 given by statute or arising out of contract, not exceeding \$5,000
4 [\$1,000];

5 (4) to give judgment without action upon the confession of
6 the defendant for any of the cases specified in this section, except
7 for a penalty or forfeiture imposed by statute;

8 (5) to give judgment of conviction upon a plea of guilty by
9 the defendant in a criminal proceeding within the jurisdiction of the
10 district court;

11 (6) to hear, try, and enter judgments in all cases involv-
12 ing misdemeanors, if the defendant consents in writing that the magis-
13 trate may try the case;

14 (7) to hear, try and enter judgments in all cases involving
15 infractions under AS 28 and violations of ordinances of political
16 subdivisions [;

17 (8) REPEALED].

18 * Sec. 4. This Act takes effect on the effective date of an amendment
19 by the Supreme Court to Rule 9(c)(2) of the Rules Governing the Adminis-
20 tration of All Courts raising the filing fee for small claims actions from
21 \$5 to at least \$15.