

SENATE BILL NO. 350  
IN THE LEGISLATURE OF THE STATE OF ALASKA  
SEVENTEENTH LEGISLATURE - SECOND SESSION

BY SENATOR HALFORD

Introduced: 1/14/92  
Referred: Judiciary

A BILL  
FOR AN ACT ENTITLED

1 "An Act relating to the disqualification of judges."

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

3 \* Section 1. INTENT. The legislature recognizes that the Alaska supreme court has consistently held  
4 that AS 22.20.022 provides the substantive authority for the right to a peremptory challenge, or removal  
5 without cause, of a district court or superior court judge and that Alaska Rule of Criminal Procedure 25  
6 merely implements the exercise of that right in a criminal action. The legislature notes the Alaska  
7 supreme Court's decision in this area in Halligan v. State, 624 P.2d 281 (Alaska 1981); Gieffels v. State,  
8 552 P.2d 661 (Alaska 1976); Kvasnikoff v. State, 535 P.2d 464 (Alaska 1975). It is the intent of the  
9 legislature by this Act to eliminate peremptory challenges or removals without cause of district court and  
10 superior court judges in criminal cases as provided by Alaska Rule of Criminal Procedure 25, by  
11 removing the substantive authority for the rule by amending AS 22.20.022 to exclude criminal actions.

12 \* Sec. 2. AS 22.20.022(a) is amended to read:

13 (a) If a party or a party's attorney in a district court action or a superior court action,  
14 other than a criminal action [CIVIL OR CRIMINAL], files an affidavit alleging under oath the

1 belief that a fair and impartial trial cannot be obtained, the presiding district court or superior  
2 court judge, respectively, shall at once, and without requiring proof, assign the action to another  
3 judge of the appropriate court in that district, or, if there is none, the chief justice of the supreme  
4 court shall assign a judge for the hearing or trial of the action. The affidavit must [SHALL]  
5 contain a statement that it is made in good faith and not for the purpose of delay.