

HOUSE BILL NO. 152

IN THE LEGISLATURE OF THE STATE OF ALASKA

EIGHTEENTH LEGISLATURE - FIRST SESSION

BY THE HOUSE JUDICIARY COMMITTEE

Introduced: 2/15/93

Referred: State Affairs, Judiciary

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to magistrate jurisdiction."

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

3 * **Section 1.** AS 22.15.120 is amended to read:

4 Sec. 22.15.120. **LIMITATIONS ON PROCEEDINGS WHICH MAGISTRATE**
5 **MAY HEAR.** A magistrate shall preside only in cases and proceedings under
6 AS 22.15.040, 22.15.100, and 22.15.110, and as follows:

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

9 (2) for the recovery of specific personal property when the value of the
10 property claimed and the damages for the detention do not exceed \$5,000;

11 (3) for the recovery of a penalty or forfeiture, whether given by statute
12 or arising out of contract, not exceeding \$5,000;

13 (4) to give judgment without action upon the confession of the
14 defendant for any of the cases specified in this section, except for a penalty or

1 forfeiture imposed by statute;

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

4 (6) to hear, try, and enter judgments in all cases involving
5 misdemeanors that are not minor offenses, if the defendant consents in writing that
6 the magistrate may try the case;

7 (7) to hear, try, and enter judgments in all cases involving minor
8 offenses [INFRACTIONS UNDER AS 28, VIOLATIONS UNDER AS 05.25 AND
9 AS 11,] and violations of ordinances of political subdivisions;

10 (8) for the extradition of fugitives as authorized under AS 12.70;

11 (9) to provide post-conviction relief under the Alaska Rules of
12 Criminal Procedure for any of the cases specified in (5), (6), or (7) of this section
13 if the conviction occurred in the district court.

14 * Sec. 2. AS 22.15.120 is amended by adding a new subsection to read:

15 (b) In this section, "minor offense" means

16 (1) an offense classified by statute as an infraction or a violation;

17 (2) an offense for which a bail forfeiture amount has been authorized
18 by statute and established by supreme court order; or

19 (3) a statutory offense for which a conviction cannot result in
20 incarceration, a fine greater than \$300, or the loss of a valuable license.