

ment be decreed her property to be used and expended by her for the maintenance of herself and the minor children of deceased, if any, or, if there be no widow, it shall be decreed the property of the minor child or, if there be more than one, of the minor children, in such proportion as the commissioner shall deem proper, taking into consideration their age and the expense of maintenance, to be used and expended in the nurture, maintenance and support of such child or children, until they become

of legal age, by the guardian thereof, as the law may direct. Said judgment, decree and award shall specifically describe the property so set apart and shall be final, except in case of appeal or for fraud.

Sec. 2. This Act does not apply to any probate proceedings commenced before the effective date of this Act.

Sec. 3. This Act takes effect on the day after its passage and approval or on the day it becomes law without such approval.

Approved April 13, 1961

CHAPTER 76

AN ACT

Amending the juvenile code to permit prosecution of minors as adults for violations of traffic statutes, regulations and municipal ordinances; amending Sec. 4 and Sec. 15, Art. I, Ch. 145, SLA 1957; and providing for an effective date.

(H.B. 51)

Be it enacted by the Legislature of the State of Alaska:

Section 1. Sec. 4, Art. I, Ch. 145, SLA 1957, is amended to read as follows:

Sec. 4. **Jurisdiction.** Except as otherwise provided herein, and subject to the prior jurisdiction of the superior court for the State of Alaska, jurisdiction in cases of minors under eighteen years of age shall be vested in the district magistrate's courts, which shall have exclusive original jurisdiction in proceedings concerning any minor residing or found in this state who:

(1) has violated any law of the state, or any ordinance or regulation of a political subdivision of the state;

(2) by reason of being wayward or habitually disobedient is uncontrolled by his parent, guardian or custodian;

(3) is habitually truant from school or home, or habitually so conducts himself as to injure or endanger the morals or health of himself or others;

(4) is abandoned by his parent, guardian or custodian;

(5) lacks proper parental care by reason of the faults, habit or neglect of his parent, guardian or custodian;

(6) associates with vagrant, vicious or immoral people, or engages in an occupation or is in a situation dangerous to life or limb or injurious to the health, morals, or welfare of himself or others;

(7) is a full orphan who has no relatives willing and able to assume custody and care;

(8) has been released by his parent or parents, or guardian, to the Department of Health and Welfare for adoptive purposes; or

(9) is in need of special care or training not otherwise provided.

Provided, that when a minor is accused of violating any traffic statute or regulation, or any traffic ordinance or regulation of an incorporated municipality, excepting 50-5-5, ACLA 1949, Ch. 107, SLA 1955, or subsec. (1), Ch. 182, SLA 1955, as these provisions are amended or may be amended or any statute the violation of which is a felony, the procedure prescribed in Secs. 5 through 10 of this article need not be followed, except that a parent, guardian or legal custodian shall be present in all proceedings in the city or district magistrate's court. The minor accused of such a traffic offense may be charged,

prosecuted, and sentenced in the same manner as if he were an adult.

The district magistrate's court shall also have exclusive jurisdiction in any controversy concerning the custody of a minor, except divorce actions, actions for separate maintenance and actions under the Uniform Reciprocal Enforcement of Support Act. The district magistrate's court shall have the power to appoint a guardian of the person and property of any minor within its jurisdiction and shall have the power to order support from either parent or from both.

In any of the aforesaid actions cognizable in the superior court the superior court may order the minor delivered to the custody of the Department of Health and Welfare, if the court deems such action in the best interest of the minor, and in such case the Department of Health and Welfare shall receive such money as the court may order paid for the support of the child.

Sec. 2. Effective Date. This Act takes effect on the day after its passage and approval or on the day it becomes law without such approval.

Approved April 13, 1961

CHAPTER 77

AN ACT

Relating to the punishment for criminal attempt; amending Sec. 65-2-5, ACLA 1949; and providing for an effective date.

(H.B. 154)

Be it enacted by the Legislature of the State of Alaska:

Section 1. (Sec. 65-2-5, ACLA 1949 is amended to read as follows:

Attempt: Punishment. That if any person attempts to commit any crime, and in such attempt does any act toward the commission of such crime, but fails, or is prevented or intercepted in the perpetration thereof, such person, when no other provision is made by law for the punishment of such attempt, upon conviction thereof, shall be punished as follows:

First. If the crime so attempted be punishable by imprisonment in the penitentiary or state jail, the punishment for the attempt shall be by like imprison-

ment, as the case may be, for a term not more than half the longest period prescribed as a punishment for such crime. If the period prescribed as a punishment for such crime is an indeterminate or life term, the punishment for the attempt shall be fixed by the court at a term not more than 10 years.

Second. If the crime so attempted be punishable by fine, the punishment for the attempt shall be by fine not more than half the amount of the largest fine prescribed as a punishment for such crime.

Sec. 2. This Act takes effect on the day after its passage and approval or on the day it becomes law without such approval.

Approved April 13, 1961

CHAPTER 78

AN ACT

Permitting the State of Alaska to qualify for and to spend federal monies for increasing teachers' salaries, school construction and other educational purposes; and providing for an effective date.

(H.B. 158)

Be it enacted by the Legislature of the State of Alaska:

Section 1. **Declaration of Intent.** In the event that the United States Congress