

THE SUPREME COURT OF THE STATE OF ALASKA

ORDER NO. 136

Amending Criminal Rules
6 and 18

In order to carry out the provisions of Chapter 126 SLA 1971, effective September 2, 1971, and the decision of the Supreme Court of Alaska in Alvarado v. State of Alaska, Op. No. 704, July 6, 1971, within the framework of the judicial system's budget for the fiscal year 1971-1972, we hereby promulgate the following temporary order concerning venue of civil and criminal cases, and designating the sites for the convening of grand juries.

IT IS ORDERED:

A. The location where grand juries shall be convened:

In order to investigate crimes in the various election districts throughout Alaska, the grand jury shall be convened at the place as set forth herein. The presiding superior court judge of the judicial district which encompasses the appropriate election district shall convene the grand jury in conformity with the applicable statutes and rules of criminal procedure.

In regard to offenses committed in the various election districts (as set forth in official 1965 reapportionment map) grand juries shall be convened at the following locations:

As to offenses committed in election districts 1, 2 or 3, the grand jury shall be convened at Ketchikan or Sitka, Alaska.

As to offenses committed in election districts 4 or 5, the grand jury shall be convened at Juneau, Alaska.

As to offenses committed in election districts 7 and 8, the grand jury shall be convened at Anchorage, Alaska.

As to offenses committed in election districts 6, 9, 10 or 11, the grand jury shall be convened at Kenai or Kodiak, Alaska.

As to offenses committed in election districts 11, 12, or 13, the grand jury shall be convened at Kodiak, Alaska.

As to offenses committed in election districts 14, 15, 17, 18 or 19, the grand jury shall be convened at Nome, Alaska.

As to offenses committed in election district 16, the grand jury shall be convened at Fairbanks, Alaska.

B. Criminal Cases, Place of Trial: The trial of all criminal cases shall take place in the election district where the crime was committed subject to the convenience of the parties and witnesses and the change of venue provisions of AS 22.10.040. The place of the trial shall be the nearest urban center within the appropriate election district of the alleged crime where there are facilities available to house the court and jury.

In order to provide the court with information concerning the appropriate facilities the presiding superior or presiding district court judge of the judicial district shall request the Administrative Director's office to investigate the availability of appropriate facilities and to report in writing. This report shall contain a specific recommendation as to the feasibility of holding trial at the place where the crime was committed, and shall also contain a recommendation as to alternate places of trial. Preference should be given to those urban centers having appropriate facilities which are located nearest the place where the crime was committed.

This report of the Administrative Director's office shall become a permanent part of the record.

C. Civil Cases, Place of Trial: The trial of all civil cases except as hereinafter provided shall take place in the judicial district where the cause of action arose or the district where the defendant was personally served with preference being given to the nearest urban center where the superior court conducts regular sessions of the superior court as set forth in Administrative Rule 29 or where the district court holds regular sessions of the district court as set forth in Administrative Rule 32.

(1) The trial of all actions in ejectment or for recovery of the possession of, quieting title to, for the partition of, or the enforcement of liens upon, real property shall commence in the judicial district in which the real property, or any part of it affected by the action, is situated.

(2) Failure to make timely objection to improper venue waives the requirements of this rule.

(3) Nothing in this order shall be construed to affect the trial of civil cases within the jurisdiction of the magistrate court.

D. Selection of Grand and Petit Jurors: The jurors selected for service on a grand or petit jury shall have the qualifications set forth by law and shall be drawn and selected in conformity with existing statutes and rules with the following additional provisions:

(1) grand jury - jurors who serve on the grand jury shall be selected from a fifty-mile radius of the designated place of meeting of the grand jury as set forth in Part A of this order.

(2) petit jury - jurors to serve on the petit jury shall be selected from a radius of fifty miles of the urban center designated as the site of the criminal or civil trial as set forth in Parts B and C of this order.

E. This order shall supercede all other rules of the court which may be in conflict with the procedure announced herein.

DATED: August 27, 1971.

/s/ George F. Boney
Chief Justice

/s/ Jay A. Rabinowitz
Associate Justice

/s/ Roger G. Connor
Associate Justice

/s/ Robert C. Erwin
Associate Justice



LAWS OF ALASKA

1971

Source

CSRB 153 AB

Chapter No.

126

AN ACT

Relating to the place of trial; and changing Rule 18, Rules of Criminal Procedure.

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

Section 1. AS 22.10.030 is amended to read:

Sec. 22.10.030. WHERE ACTIONS ARE TO BE BROUGHT.

(a) All actions in ejectment or for the recovery of the possession of, quieting title to, for the partition of, or the enforcement of liens upon, real property shall be commenced in the superior court in the judicial district in which the real property, or any part of it affected by the action, is situated.

(b) If, in a civil action other than one specified in (a) of this section, a defendant can be personally served within a judicial district of the state, the action against that defendant shall be commenced in that judicial district or in the judicial district in which the claim arose.

(c) All prosecutions for crimes and offenses shall be commenced in the judicial district in which the crime or offense was committed.

(d) Subject to sec. 40 of this chapter, a trial and any precedent or antecedent hearings in an action shall be conducted in an election district within the judicial district at a location which would best serve the convenience of the parties and witnesses.

(e) Actions in cases not covered by this section may be commenced in any judicial district of the state.

(f) Failure to make timely objection to improper

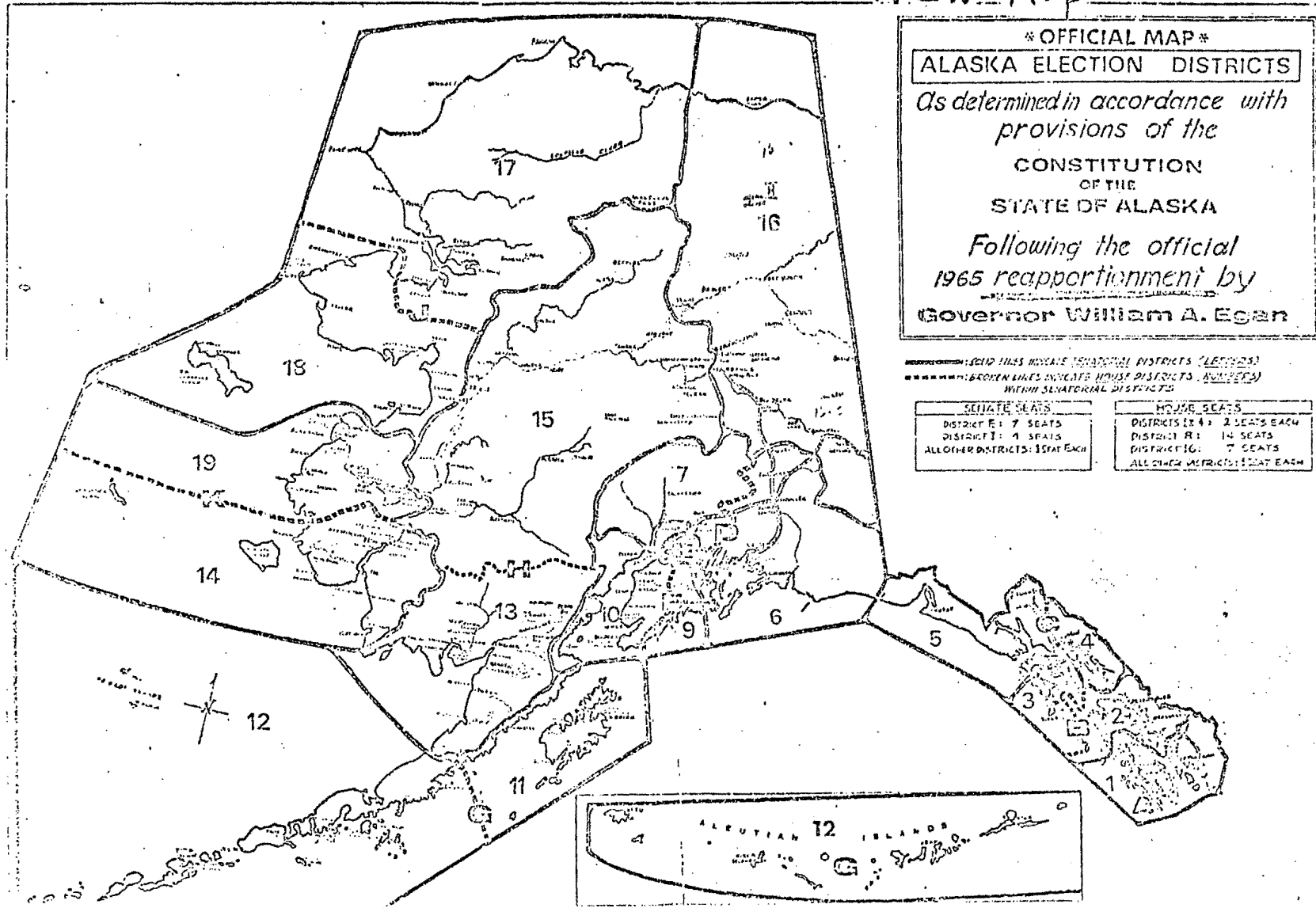
Chapter 126

venue waives the requirements of this section.

Sec. 2. In sec. 1 of this Act, AS 22.10.030(d) has the effect of changing Rule 18, Rules of Criminal Procedure, by requiring criminal prosecutions to be had not only in the judicial district in which the crime or offense was committed, but in the election district within that judicial district at a location convenient to the parties and witnesses.

Sec. 3. It is the intent of this Act to make the administration of justice more accessible to the people of rural areas of the state. In conjunction with the amendments in this Act, it is the legislative intent that AS 22.10.140, providing for the temporary assignment of superior court judges anywhere in the state, be fully implemented.

New Map



* OFFICIAL MAP *

ALASKA ELECTION DISTRICTS

As determined in accordance with provisions of the

CONSTITUTION
OF THE
STATE OF ALASKA

*Following the official
1965 reapportionment by
Governor William A. Egan*

————— SOLID LINES INDICATE SENATORIAL DISTRICTS (LEGISLATIVE)
- - - - - BROKEN LINES INDICATE HOUSE DISTRICTS (LEGISLATIVE)
WITH SENATORIAL DISTRICTS

SENATE SEATS

DISTRICT 1: 7 SEATS
DISTRICT 2: 4 SEATS
ALL OTHER DISTRICTS: 1 SEAT EACH

HOUSE SEATS

DISTRICTS 1 & 2: 2 SEATS EACH
DISTRICT 3: 14 SEATS
DISTRICT 16: 7 SEATS
ALL OTHER DISTRICTS: 1 SEAT EACH

THE SUPREME COURT OF THE STATE OF ALASKA

ORDER No. 136A

Amending Section A
Supreme Court Order 136A

IT IS ORDERED that Section A of Supreme Court Order No. 136 shall be amended to read as follows:

A. The location where grand juries shall be convened:

In order to investigate crimes in the various election districts throughout Alaska, the grand jury shall be convened at the place as set forth herein. The presiding superior court judge of the judicial district which encompasses the appropriate election district shall convene the grand jury in conformity with the applicable statutes and rules of criminal procedure.

In regard to offenses committed in the various election districts (as set forth in official 1965 reapportionment map) grand juries shall be convened at the following locations:

As to offenses committed in election districts 1, 2 or 3, the grand jury shall be convened at Ketchikan or Sitka, Alaska.

As to offenses committed in election districts 4 or 5, the grand jury shall be convened at Juneau, Alaska.

As to offenses committed in election districts 7 and 8, the grand jury shall be convened at Anchorage, Alaska.

As to offenses committed in election districts 6, 9, 10 or 11, the grand jury shall be convened at Kenai or Kodiak, Alaska.

As to offenses committed in election district 12 or 13, the grand jury shall be convened at Kodiak, Alaska.

As to offenses committed in election districts 14, 15 or 17, the grand jury shall be convened at Nome or Fairbanks, Alaska.

As to offenses committed in election district 16, the grand jury shall be convened at Fairbanks, Alaska.

As to offenses committed in election districts 18 and 19, the grand jury shall be convened at Nome, Alaska.

In addition to the designated sites, the presiding judge of a judicial district is empowered to call a special grand jury at a site he designates if he finds that such is necessary in the interest of justice.

DATED: September 13, 1971.

George F. Barclay
Chief Justice

John H. Dimock
Associate Justice

Jay A. Rabinowitz
Associate Justice

Robert H. Connor
Associate Justice

Frank C. Evers
Associate Justice

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Alaska Legal Services

Filed and entered SEP 13 1971
SUPREME COURT of the State of Alaska
James P. ... Clerk
By _____ Deputy

THE SUPREME COURT OF THE STATE OF ALASKA

ORDER NO. 136

Amendment No. I
Amending Order 136 and 136A
which amended Criminal Rules
6 and 18

Orders 136 and 136A concerning place of grand jury proceedings and trials are amended to read as follows:

IT IS ORDERED:

A. The location where grand juries shall be convened:

In order to investigate crimes in the various election districts throughout Alaska, the grand jury shall be convened at the place as set forth herein. The presiding superior court judge of the judicial district which encompasses the appropriate election district shall convene the grand jury in conformity with the applicable statutes and rules of criminal procedure.

In regard to offenses committed in the various election districts (as set forth in official 1965 reapportionment map) grand juries shall be convened at the following locations:

As to offenses committed in election districts 1, 2 or 3, the grand jury shall be convened at Ketchikan or Sitka, Alaska.

As to offenses committed in election districts 4 or 5, the grand jury shall be convened at Juneau, Alaska.

As to offenses committed in election districts 7 or 8, the grand jury shall be convened at Anchorage, Alaska.

As to offenses committed in election districts 6, 9, 10 or 11, the grand jury shall be convened at Kenai or Kodiak, Alaska.

As to offenses committed in election districts 12 or 13, the grand jury shall be convened at Kodiak, Alaska.

As to offenses committed in election district 15 or 17, the grand jury shall be convened at Nome or Fairbanks, Alaska.

As to offenses committed in election district 16, the grand jury shall be convened at Fairbanks, Alaska.

As to offenses committed in election districts 14, 18 or 19, the grand jury shall be convened at Nome or Anchorage, Alaska.

In addition to the designated sites, the presiding judge of a judicial district is empowered to call a special grand jury at a site he designates if he finds that such is necessary in the interest of justice.

B. Criminal Cases, Place of Trial: The trial of all criminal cases shall take place in the senate election district where the crime was committed subject to the convenience of the parties and witnesses and the change of venue provisions of AS 22.10.030(d). The place of the trial shall be the nearest urban center within the appropriate senate election district where there are facilities available to house the court and jury.

In order to provide the court with information concerning the appropriate facilities the presiding superior or presiding district court judge of the judicial district shall request the Administrative Director's office to investigate the availability of appropriate facilities and to report in writing. This report shall contain a specific recommendation as to the feasibility of holding trial at the place where the crime was committed, and shall also contain a recommendation as to alternate places of trial. Preference should be given to those urban centers having appropriate facilities which are located nearest the place where the crime was committed.

This report of the Administrative Director's office shall become a permanent part of the record.

If the presiding judge of the district determines there are no facilities reasonably suited to the purpose available for the trial or related hearings in the senate district, he may direct the proceedings to be held in the nearest senate district with reasonably suitable facilities.

C. Civil Cases, Place of Trial: The trial of all civil cases except as hereinafter provided shall take place in the judicial district where the cause of action arose or the district where the defendant was personally served with preference being given to the nearest urban center where the superior court conducts regular sessions of the superior court as set forth in Administrative Rule 29 or where the district court holds regular sessions of the district court as set forth in Administrative Rule 32.

(1) The trial of all actions in ejectment or for recovery of the possession of, quieting title to, for the partition of, or the enforcement of liens upon, real property shall commence in the judicial district in which the real property, or any part of it affected by the action, is situated.

(2) Failure to make timely objection to improper venue waives the requirements of this rule.

(3) Nothing in this order shall be construed to affect the trial of civil cases within the jurisdiction of the magistrate court.


D. Selection of Grand and Petit Jurors: The jurors selected for service on a grand or petit jury shall have the qualifications set forth by law and shall be drawn and selected in conformity with existing statutes and rules with the following additional provisions:

(1) grand jury - jurors who serve on the grand jury shall be selected from a fifty-mile radius of the designated place of meeting of the grand jury as set forth in Part A of this order.


(2) petit jury - jurors to serve on the petit jury shall be selected from a radius of fifty miles of the urban center designated as the site of the criminal or civil trial as set forth in Parts B and C of this order.

E. This order shall supercede all other rules of the court which may be in conflict with the procedure announced herein.

DATED: October 17, 1972.



Chief Justice



Associate Justice



Associate Justice



Associate Justice