

IN THE SUPREME COURT OF THE STATE OF ALASKA
ORDER NO. 600

Adding New Rule 19.2, Alaska
Rules Governing the Admini-
stration of All Courts,
Relating to Deputy Magistrates.

IT IS ORDERED:

Rule 19.2 is added to the Alaska Rules Governing the Administration of All Courts and will read:

RULE 19.2. DEPUTY MAGISTRATES.

(a) STATEMENT OF PURPOSE. This rule relating to the certification and appointment of magistrates includes only those permanent employees of the court system who are clerks of court or work in the office of the clerk of court. Any court employee certified and appointed a deputy magistrate pursuant to this rule will be required to assume specified judicial duties only in an emergency or when no judicial officer at the court location is available to perform judicial duties. A judicial officer is deemed to be unavailable when the judicial officer is conducting court proceedings or absent from the court location. Unless otherwise ordered by the presiding judge of the judicial district, all holiday, evening and weekend duty in any court location with one superior or district court judge must be divided equally among each superior or district court judge, magistrate and deputy magistrate.

(b) APPOINTMENT. A deputy magistrate appointment will be made by written order of the presiding judge of the judicial district in which the deputy magistrate is to serve and will specifically set forth those judicial duties which the deputy magistrate is authorized to perform. Copies of any order appointing a deputy magistrate will be provided to the appointee, the chief justice, the personnel director, magistrate services, the training judge and the area court administrator.

(c) QUALIFICATIONS. A deputy magistrate must:

- (1) be at least 21 years of age;
- (2) be a United States citizen;
- (3) be a resident of the State of Alaska for six months immediately preceding the appointment;
- (4) have at least three months work experience with the Alaska Court System; and
- (5) be trained, as set forth in section (d) hereof, in the duties of a magistrate and the presiding judge of the judicial district in which the deputy magistrate is to serve must have received certification of adequate training for each deputy magistrate by a training judge prior to appointment of the deputy magistrate.

(d) DUTIES. Upon written appointment by the presiding judge of the judicial district in which the deputy magistrate is to serve, the deputy magistrate may conduct only those of the following proceedings and perform only those of the following functions specified in the written order of the appointment:

effective date September 1, 1984

- (1) emergency juvenile proceedings;
- (2) accept complaints;
- (3) issuance of summonses and arrest warrants;
- (4) bail hearings;
- (5) arraignments;
- (6) sentencings;
- (7) first felony appearances;
- (8) initial coroner duties including custody and control of property;
- (9) notary duties;
- (10) issuance of marriage licenses and performance of marriages;
- (11) emergency injunctive relief, pursuant to A.S. 25.35.020(a), provided there is no superior court or no district court within 50 road miles of the residence of the person subject to domestic violence; and
- (12) issuance of search warrants.

(e) PRIMARY AND ALTERNATE DEPUTY MAGISTRATES.

(1) In each location, a clerk of court who has been appointed a deputy magistrate will be compensated two ranges above the clerk of court's salary. No clerk of court who has been appointed a deputy magistrate will be entitled to upward reclassification if the deputy magistrate duties have been previously considered in the classification of the position by the Personnel Office. A clerk of court appointed a deputy magistrate will be considered the primary deputy magistrate at that court location.

(2) Any employee of the clerk's office who is not a clerk of court and who is appointed as a deputy magistrate will be considered an alternate deputy magistrate. An alternate deputy magistrate is entitled only to the compensation which is specified in section (f) hereof. No employee may serve as an alternate deputy magistrate unless the employee has been appointed in writing pursuant to section (b) hereof and certified pursuant to section (c) hereof.

(f) COMPENSATION. All deputy magistrates will be compensated at \$50.00 for each 24 hours of on-call duty on weekends and holidays. Weekend duty will constitute Friday evening, 4:30 P.M., through Monday morning, 8:00 A.M., and the maximum compensation will be \$100.00 for each weekend. At the election of an employee and upon the approval of the employee's supervisor, two hours of compensatory time for each weekend day or holiday may be taken in lieu of the \$50.00 compensation.

(g) LIMITATION. Deputy magistrates in any court location may not be required to perform more than a total of 50% or 57 days of weekend and holiday duty annually. This duty will be monitored closely by Administrative Accounting and/or the Personnel Office. The presiding judge of the deputy magistrate's judicial district will be notified if a deputy magistrate in any court location works beyond the 57 day limitation.

(h) RECLASSIFICATION. When a deputy magistrate functions as a magistrate for more than 50% of the deputy magistrate's total number of working hours, the deputy magistrate may request that the position be reviewed for possible reclassification to a magistrate position. All such requests will be submitted through the presiding judge to the Personnel Office. Requests for reclassification may be submitted from January 1st through January 31st of each year. The request will be reviewed by the personnel director and a magistrate review committee. Any recommendations for reclassification will be submitted to the Supreme Court no later than March 31st of each year.

(i) AUTHORITY OF PRESIDING JUDGE. The above provisions will in no way limit the authority of the presiding judge.

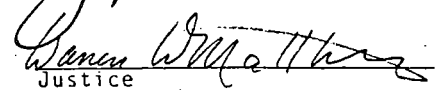
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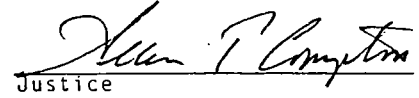
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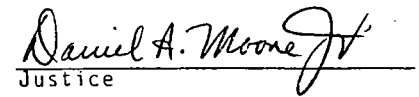
for

Edmund D. Burke
Chief Justice


Justice


Justice


Justice


Justice