

28-LS0826\C
Martin/Strasbaugh
3/7/14

CS FOR SENATE BILL NO. 116()

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-EIGHTH LEGISLATURE - SECOND SESSION

BY

**Offered:
Referred:**

Sponsor(s): SENATOR EGAN

A BILL

FOR AN ACT ENTITLED

**"An Act relating to service of citations; amending Rule 3(f), Alaska Rules of Minor
Offense Procedure; repealing Rule 3(g), Alaska Rules of Minor Offense Procedure; and
providing for an effective date."**

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

*** Section 1.** AS 12.25.175(a) is amended to read:

(a) Notwithstanding any contrary provision of law, a citation issued by a peace officer or [AND] by another person who is authorized by law to issue a citation in the state must comply with standards concerning uniform citation format and procedure adopted by the Department of Public Safety. The standards must include

- (1) a statewide numbering system for citations;
- (2) a requirement that a citation be made upon oath or affirmation before a person authorized by law to administer oaths or affirmations or signed with a certification under penalty of perjury that the citation is true and was personally served on the person charged or served in a manner permitted under (d) of this section;

(3) a requirement that the citation contain information required by AS 12.25.200(b).

* **Sec. 2.** AS 12.25.175 is amended by adding a new subsection to read:

(d) The standards adopted by the department under (a) of this section must allow for service of a citation by other than personal service when the citation is for commission of an infraction or a violation for an offense other than an offense under AS 04.16.050 or an offense involving a moving motor vehicle, the offense is punishable by a fine of \$500 or less, and the peace officer or other person authorized by law to issue the citation

(1) leaves the citation in a conspicuous place on the vehicle or other personal or real property that was the subject of the infraction or violation; or

(2) serves the citation in a manner permitted for service of process under Rule 4, Alaska Rules of Civil Procedure.

* **Sec. 3.** The uncoded law of the State of Alaska is amended by adding a new section to read:

DIRECT COURT RULE AMENDMENT. Rule 3(f), Alaska Rules of Minor Offense Procedure, is amended to read:

(f) **Required Statements.** The officer must state on the citation that the officer has probable cause to believe the defendant committed the offense but need not state the grounds for the probable cause determination beyond the essential facts. The officer must certify, under penalty of perjury, that the information in the citation is true and that the officer [PERSONALLY] served the citation on the defendant **as required by AS 12.25.175 - 12.25.190.**

* **Sec. 4.** The uncoded law of the State of Alaska is amended by adding a new section to read:

REPEAL OF COURT RULE. Rule 3(g), Alaska Rules of Minor Offense Procedure, is repealed.

* **Sec. 5.** This Act takes effect immediately under AS 01.10.070(c).