

Rule 3. Citation.

(a) **Charging Document.** The charging document for a minor offense may be in the form of a citation. Each citation may name only one defendant and only one offense. Except as provided in (h) below, a citation must name an individual as the defendant.

(b) **Uniform Table of Minor Offenses.** The citation must include the statute, regulation or ordinance that the defendant is alleged to have violated as identified in the uniform table of minor offenses maintained by the court system.

(c) **Content and Format.** The administrative director shall establish content and format requirements for minor offense citations by administrative bulletin, including requirements that the citations include:

- (1) the essential facts constituting the offense charged,
- (2) notice of the defendant's rights listed in AS 12.25.200,
- (3) the procedure for responding to the citation,
- (4) the consequences of a failure to respond, and
- (5) if forfeiture of seized items is authorized by statute or ordinance, the citation must list the seized items and state that they will be forfeited if defendant waives appearance by entering a no contest plea or if a default judgment is entered.

(d) **Adequacy of Citation.** If a citation meets the requirements set forth in the bulletin, it is presumed to provide adequate notice of the charges, the defendant's rights listed in AS 12.25.200, the procedure for responding to the citation, the consequences of failure to respond, and the potential for forfeiture. In addition, all citations filed with the court must comply with any standards adopted by the Department of Public Safety under AS 12.25.175.

(e) **Social Security Number.** The defendant's social security number may not appear on a citation. This subsection applies to citations issued on or after April 15, 2013.

(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.

(g) **Personal Service.** In this rule, personal service means the officer must deliver the citation to the defendant personally in accordance with AS 12.25.175-190.

(h) **Corporations, Limited Liability Companies and Other Entities.** A citation issued to a corporation or limited liability company must name the corporation or company as the defendant. The officer must personally serve the citation on the on-site manager, a managing member, an officer, a managing or general agent, or on any other agent authorized by appointment or by law to receive service of process. If personal service cannot be made on one of the above in Alaska, service may be made as provided in AS 10.06.175(b) or 10.50.065(b). A citation issued to a sole proprietorship must name the owner of the business as the defendant and must be served on that person. A citation issued to a partnership, unincorporated association or other entity must name the entity as the defendant and must be served on a person designated for that entity in Civil Rule 4.

(i) **Authority of Clerk.** The clerk shall return any citation for correction if the citation is deficient because

(1) the offense listed on the citation is not in the court system's uniform table of minor offenses; or

(2) the citation does not include a certification by the officer, made under penalty of perjury, that the information in the citation is true and that the officer personally served the citation on the defendant.

(Rescinded and readopted by SCO 1794 effective April 15, 2013; renamed and renumbered by SCO 1797 effective April 15, 2013)

Note: Rule 3(c) refers to Administrative Bulletin 83 "Form of Citation" available on the court system website at <http://www.courts.alaska.gov/adminbullpublic.htm>.

Note: The personal service requirement in Rule 3(f), (g), and (h) is based on AS 12.25.180 and .190 which contemplate that the citation will be issued when "a peace officer stops or contacts a person for the commission of an infraction or a violation..." Alaska Statute 12.25.175(a)(2) requires that the citation state that the citation "was personally served on the person charged."