

HOUSE BILL NO. 43

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-FIRST LEGISLATURE - FIRST SESSION

BY REPRESENTATIVES DAVIS, Croft

Introduced: 1/19/99

Referred: Community and Regional Affairs, Judiciary, Finance

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to police training surcharges imposed for violations of municipal
2 ordinances."

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

4 * **Section 1.** AS 12.55.039(a) is amended to read:

5 (a) In addition to any fine or other penalty prescribed by law, a defendant who
6 pleads guilty or nolo contendere to, forfeits bail for, or is convicted of a

7 (1) felony shall be assessed a surcharge of \$100;

8 (2) violation of a misdemeanor offense under AS 28.33.030, 28.33.031,
9 AS 28.35.030, or 28.35.032, or a violation of a municipal ordinance comparable to a
10 misdemeanor offense under AS 28.33.030, 28.33.031, AS 28.35.030, or 28.35.032 and
11 adopted under AS 28.01.010, shall be assessed a surcharge of \$75;

12 (3) misdemeanor or a violation of a municipal ordinance if a sentence
13 of incarceration may be imposed for the misdemeanor or ordinance violation, other
14 than a provision identified in (2) of this subsection, shall be assessed a surcharge of

1 \$50;

2 (4) **misdemeanor for which a sentence of incarceration may not be**
3 **imposed, a** violation or an infraction under state law, or [A MISDEMEANOR OR] a
4 violation of a municipal ordinance **imposing a penalty authorized by**
5 **AS 29.25.070(a)** if a sentence of incarceration may not be imposed for the
6 [MISDEMEANOR OR] ordinance violation, shall be assessed a surcharge of \$10 if the
7 fine or bail forfeiture amount for the offense is \$30 or more.

8 * **Sec. 2.** AS 29.25.074(a) is amended to read:

9 (a) A municipality may not enforce **a penalty for violation of** an ordinance
10 for which a **surcharge is required to be imposed under AS 12.55.039** [FINE OF \$30
11 OR MORE OR IMPRISONMENT IS PRESCRIBED AS A PENALTY] unless the
12 municipality authorizes the imposition of and provides for the collection of the
13 surcharge [REQUIRED TO BE IMPOSED UNDER AS 12.55.039]. The surcharge
14 shall be deposited into the general fund of the state and accounted for under
15 AS 37.05.142. Subject to appropriation, the legislature may reimburse a municipality
16 that collects a surcharge required to be imposed under AS 12.55.039 for the cost to the
17 municipality in collecting the surcharge and transmitting the surcharge to the state.
18 The reimbursement may not exceed 10 percent of the surcharge collected and
19 transmitted to the state.