

SENATE CS FOR CS FOR HOUSE BILL NO. 261(FIN)

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTIETH LEGISLATURE - SECOND SESSION

BY THE SENATE FINANCE COMMITTEE

Offered: 5/1/98

Referred: Rules

Sponsor(s): REPRESENTATIVE DAVIS

SENATORS Kelly, Green, Mackie, Pearce, Donley, Leman

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to fines and to a surcharge imposed for violations of state or
2 municipal law and to the Alaska police training fund."

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

4 * Section 1. AS 12.25.195 is amended by adding a new subsection to read:

5 (c) Disposition of an offense under (a) of this section may not occur unless the
6 person cited for the offense pays the surcharge prescribed in AS 12.55.039 in addition
7 to the scheduled bail or fine amount. The surcharge required to be paid under this
8 subsection shall be deposited into the general fund and accounted for under
9 AS 37.05.142.

10 * Sec. 2. AS 12.25.200(b) is amended to read:

11 (b) A citation issued under AS 12.25.180 must indicate

12 (1) the amount of bail or fine and the surcharge applicable to the
13 offense;

14 (2) the procedure a person must follow in responding to the citation;

(3) that if the person fails to pay the bail or fine the person must appear in court;

(4) that failure to pay the bail or fine or appear in court for an offense involving a moving motor vehicle may result in

(A) suspension of the person's driver's license, privilege to drive, or privilege to obtain a license; or

(B) attachment of the person's permanent fund dividend to pay the fine plus court and collection costs under AS 28.05.155; and

(5) that the person has a right to

(A) a trial;

(B) engage counsel;

(C) confront and question witnesses;

(D) testify; and

(E) subpoena witnesses on the person's behalf.

* **Sec. 3.** AS 12.55.035 is amended by adding a new subsection to read:

(f) In imposing a fine, the court may not reduce the fine by the amount of a surcharge or otherwise consider the applicability of a surcharge to the offense.

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

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

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

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

(3) misdemeanor or a violation of a municipal ordinance if a sentence of incarceration may be imposed for the misdemeanor or ordinance violation, other than a provision identified in (2) of this subsection, shall be assessed a surcharge of \$50;

(4) violation or an infraction under state law or a misdemeanor or

a violation of a municipal ordinance if a sentence of incarceration may not be imposed for the misdemeanor or ordinance violation [OF A VEHICLE OR TRAFFIC OFFENSE UNDER AS 28, A REGULATION ADOPTED UNDER AS 28, OR A MUNICIPAL ORDINANCE UNDER AS 28.01.010] shall be assessed a surcharge of **\$10 if the fine or bail forfeiture amount for the offense is \$30 or more**

[(1) \$10 IF THE VIOLATION IS FOR OTHER THAN A VIOLATION OF AS 28.15.291, AS 28.33.030, 28.33.031, AS 28.35.030, 28.35.032, 28.35.040, 28.35.060, OR A COMPARABLE MUNICIPAL ORDINANCE; OR

(2) \$25 IF THE VIOLATION IS A VIOLATION OF AS 28.15.291, AS 28.33.030, 28.33.031, AS 28.35.030, 28.35.032, 28.35.040, 28.35.060, OR A COMPARABLE MUNICIPAL ORDINANCE].

* **Sec. 5.** AS 18.65.225 is amended to read:

Sec. 18.65.225. Alaska police training fund. The Alaska police training fund is created in the general fund. The fund consists of appropriations made by the legislature to the fund. The legislature may appropriate to the fund the annual estimated balance in the accounts maintained under AS 37.05.142 for money collected under **AS 12.25.195(c)**, AS 12.55.039, [AND] AS 28.05.151, **and AS 29.25.072**. The legislature may **make appropriations** [APPROPRIATE EQUAL AMOUNTS] from the fund to [THE] (1) **the** Department of Public Safety for the Public Safety Training Academy, including Village Public Safety Officers, [AND] (2) **the** Alaska Police Standards Council to provide training for the law enforcement and corrections community of the state under AS 18.65.230, **and (3) municipalities that conduct their own police training programs**. Nothing in this section creates a dedicated fund.

* **Sec. 6.** AS 28.05.151(c) is amended to read:

(c) The supreme court shall require as a condition of the disposition of an offense without appearance that a person charged with any offense for which a bail forfeiture amount has been adopted shall pay **the** [A] surcharge **prescribed in AS 12.55.039** [OF \$10] in addition to the bail forfeiture amount established by the supreme court. The surcharge required to be paid under this subsection shall be deposited into the general fund and accounted for under AS 37.05.142.

* **Sec. 7.** AS 29.10.200 is amended by adding a new paragraph to read:

1 (54) AS 29.25.072 (surcharge).

2 * **Sec. 8.** AS 29.25 is amended by adding a new section to read:

3 **Sec. 29.25.072. Surcharge.** (a) A municipality may not enforce an ordinance
4 for which a fine of \$30 or more or imprisonment is prescribed as a penalty unless the
5 municipality authorizes the imposition of and provides for the collection of the
6 surcharge required to be imposed under AS 12.55.039. The surcharge shall be
7 deposited into the general fund of the state and accounted for under AS 37.05.142.
8 Subject to appropriation, the legislature may reimburse a municipality that collects a
9 surcharge required to be imposed under AS 12.55.039 for the cost to the municipality
10 in collecting the surcharge and transmitting the surcharge to the state. The
11 reimbursement may not exceed 10 percent of the surcharge collected and transmitted
12 to the state.

13 (b) This section applies to home rule and general law municipalities.

14 * **Sec. 9.** AS 29.25.075 is amended to read:

15 **Sec. 29.25.075. Collection of penalties.** The court may collect for a
16 municipality any monetary penalty or surcharge or item to be forfeited as a result of
17 the violation of an ordinance. The supreme court may prescribe by rule the fees to be
18 charged by all courts to municipalities for providing collection services under this
19 section.

20 * **Sec. 10.** Notwithstanding the requirements of AS 12.55.039(d) and AS 37.05.142 that
21 surcharges collected under AS 12.55.039 be accounted for separately, the Alaska Court System
22 shall deposit money collected under AS 12.55.039 in the general fund and shall, by February 1
23 of each year, provide to the Department of Administration, to the Legislative Budget and
24 Audit Committee, and to each house of the legislature an estimate of the money collected
25 under AS 12.55.039 for that fiscal year.

26 * **Sec. 11.** Section 10 of this Act is repealed on the earlier of (1) the date that the Alaska
27 Court System has the capability to separately track and account electronically for money
28 collected under AS 12.55.039, or (2) June 30, 2002. The executive director of the Alaska
29 Court System shall notify the lieutenant governor and the revisor of statutes when the
30 electronic capability described in this section has been obtained.