

CS FOR SENATE BILL NO. 3(JUD)

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTIETH LEGISLATURE - FIRST SESSION

BY THE SENATE JUDICIARY COMMITTEE

Offered: 3/10/97

Referred: Finance

Sponsor(s): SENATOR PEARCE, Donley

A BILL

FOR AN ACT ENTITLED

1 "An Act authorizing prosecution and trial in the district court of municipal
2 curfew violations, and providing for punishment of minors upon conviction for
3 violation of a curfew ordinance."

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

5 * **Section 1.** AS 29.35.085 is amended by adding new subsections to read:

6 (b) Notwithstanding AS 29.25.070(a), for a violation of this section, the court
7 may impose a fine of not more than \$250.

8 (c) The community work provisions of AS 47.12.030(b)(6) apply to
9 punishment for a minor's conviction of a violation of a curfew ordinance for which a
10 penalty is provided under AS 29.25.070(a).

11 * **Sec. 2.** AS 47.12.030(b) is amended to read:

12 (b) When a minor is accused of violating a statute specified in this subsection,
13 other than a statute the violation of which is a felony, this chapter and the Alaska
14 Delinquency Rules do not apply and the minor accused of the offense shall be charged,

1 prosecuted, and sentenced in the district court in the same manner as an adult; if a
 2 minor is charged, prosecuted, and sentenced for an offense under this subsection, the
 3 minor's parent, guardian, or legal custodian shall be present at all proceedings; the
 4 provisions of this subsection apply when a minor is accused of violating

5 (1) a traffic statute or regulation, or a traffic ordinance or regulation of
 6 a municipality;

7 (2) AS 11.76.105, relating to the possession of tobacco by a person
 8 under 19 years of age;

9 (3) a fish and game statute or regulation under AS 16;

10 (4) a parks and recreational facilities statute or regulation under
 11 AS 41.21; [AND]

12 (5) AS 04.16.050, relating to possession, control, or consumption of
 13 alcohol; and

14 (6) a municipal curfew ordinance, whether adopted under
 15 AS 29.35.085 or otherwise, unless the municipality provides for enforcement of its
 16 ordinance under AS 29.25.070(b) by the municipality; in place of any fine imposed
 17 for the violation of a municipal curfew ordinance, the court shall allow a
 18 defendant the option of performing community work; the value of the community
 19 work, which may not be lower than the amount of the fine, shall be determined
 20 under AS 12.55.055(c); in this paragraph, "community work" includes the work
 21 described in AS 12.55.055(b) or work that, on the recommendation of the
 22 municipal or borough assembly, city council, or traditional village council of the
 23 defendant's place of residence, would benefit persons within the municipality or
 24 village who are elderly or disabled.