

A M E N D M E N T

OFFERED IN THE HOUSE

TO: HB 400

1 Page 1, line 2, following "services;":

2 Insert "and relating to penalties for violating fire protection and safety
3 requirements and orders"

4

5 Page 1, following line 9:

6 Insert new bill sections to read:

7 ** **Sec. 2.** AS 18.70.100(a) is amended to read:

8 (a) A [EXCEPT AS PROVIDED IN (c) OF THIS SECTION, A] person who
9 violates a provision of AS 18.70.010 - 18.70.100 or a regulation adopted under those
10 sections, or who fails to comply with an order issued under AS 18.70.010 - 18.70.100,
11 is guilty of a violation and shall be punished as provided in AS 12.55 by a fine of
12 not more than \$500. Each day [CLASS B MISDEMEANOR. WHEN NOT
13 OTHERWISE SPECIFIED, EACH 10 DAYS] that the violation or noncompliance
14 continues is a separate offense.

15 * **Sec. 3.** AS 18.70.100 is amended by adding new subsections to read:

16 (d) A peace officer or an employee of the department who is authorized by the
17 commissioner of public safety to enforce AS 18.70.010 - 18.70.100 may issue a
18 citation to a person who commits a violation identified under this section.

19 (e) A citation issued under this section must comply with the standards
20 adopted under AS 12.25.175 - 12.25.230. A person receiving the citation is not
21 required to sign a promise to appear in court.

22 (f) The time specified in the notice to appear on a citation issued under this
23 section must be at least 35 working days after the issuance of the citation.

(g) The commissioner of public safety is responsible for the issuance of books containing appropriate citations and shall maintain a record of each book and each citation contained in the book. The commissioner of public safety shall require and retain a receipt for each book issued to an employee of the department designated by the commissioner of public safety to provide investigative services to enforce provisions of AS 18.70.010 - 18.70.100.

(h) On or before the 10th working day after issuance of a citation, a peace officer or an employee issuing a citation under this section shall deposit the original or a copy of the citation with a court having jurisdiction over the alleged offense. Upon the deposit of the citation with the court, the citation may be disposed of only by trial in the court or other official action taken by the magistrate, judge, or prosecutor. The peace officer or employee who issued the citation may not dispose of the original or copies of the citation or of the record of the issuance of the citation except as required under this subsection and (i) of this section.

(i) The commissioner of public safety shall require the return of a copy of each citation issued under this section and of the copies of each citation that has been spoiled or on which an entry has been made and not issued to an alleged violator. The commissioner of public safety shall also maintain in connection with each citation issued a record of the disposition of the charge by the court in which the original or copy of the citation was deposited.

(j) A citation issued under this section is considered to be a lawful complaint for the purpose of prosecution.

(k) If a person to whom a citation is issued under (d) of this section provides proof to the department within 30 days after the issuance of the citation that the person has corrected the condition for which the citation was issued, the person may not be convicted of the violation. The department shall notify the court if the department, within 30 days after the issuance of the citation, receives sufficient proof from a person to whom a citation is issued under (d) of this section that the person has corrected the condition for which the citation was issued.

(l) Unless the citation has been voided or otherwise dismissed by the magistrate, judge, or prosecutor, or bail has been forfeited under this section, a person

1 who fails to appear in court to answer a citation issued under this section, regardless of
2 the disposition of the charge for which the citation was issued, is guilty of failure to
3 obey a citation under AS 12.25.230(b).

4 (m) The supreme court shall establish a schedule of bail amounts. The
5 maximum bail forfeiture amount for a violation may not exceed the maximum fine
6 specified under (a) of this section for that violation. The issuing peace officer or
7 employee shall write on the citation the amount of bail forfeiture applicable to the
8 violation.

9 (n) If a person cited for a violation for which a bail forfeiture amount has been
10 established under (m) of this section does not contest the citation, the person may,
11 within 30 days after the date of the citation, mail or personally deliver to the clerk of
12 the court in which the citation is filed by the peace officer or employee

13 (1) the amount of bail indicated on the citation for that offense; and

14 (2) a copy of the citation indicating that the right to an appearance is
15 waived, a plea of no contest is entered, and the bail is forfeited.

16 (o) When the cited person has forfeited bail under (n) of this section, the court
17 shall enter a judgment of conviction. Forfeiture of bail is a complete satisfaction for
18 the violation. The clerk of the court accepting the bail forfeiture shall provide the
19 offender with a receipt stating that fact if requested.

20 (p) A person cited under this section is guilty of failure to obey a citation
21 under AS 12.25.230(b) if the person fails to pay the bail amount established under (m)
22 of this section or fails to appear in court as required.

23 (q) Notwithstanding other provisions of law, if a person cited for a violation
24 for which a bail forfeiture amount has been established under (m) of this section
25 appears in court and is found guilty, the court may not impose a penalty that exceeds
26 the forfeiture amount for that violation established under (m) of this section.

27 (r) In this section, "department" means the Department of Public Safety."

28
29 Renumber the following bill section accordingly.

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31 Page 1, following line 13:

- 1 Insert a new bill section to read:
- 2 "*** Sec. 5.** AS 18.70.100(c) is repealed."