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Wayne  
2/17/14

**CS FOR HOUSE BILL NO. 108( )**

**IN THE LEGISLATURE OF THE STATE OF ALASKA  
TWENTY-EIGHTH LEGISLATURE - SECOND SESSION**

**BY**

**Offered:  
Referred:**

**Sponsor(s): REPRESENTATIVES PEGGY WILSON, Higgins, Millett**

**A BILL**

**FOR AN ACT ENTITLED**

1 **"An Act relating to electronic citations; creating the electronic citation fund; and**  
2 **providing for an effective date."**

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

4 **\* Section 1.** AS 12.25 is amended by adding a new section to read:

5 **Sec. 12.25.205. Electronic citations.** A citation issued under AS 12.25.180, or  
6 another law authorizing the issuance of a citation, may be created, executed,  
7 transmitted, or stored electronically to the extent allowed under rules adopted by the  
8 supreme court.

9 **\* Sec. 2.** AS 12.55.039(a) is amended to read:

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

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

13 (2) violation of a misdemeanor offense under AS 28.33.030,  
14 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) misdemeanor or an offense defined as a minor offense under rules adopted by the supreme court for which a sentence of incarceration may not be imposed [, A VIOLATION OR AN INFRACTION UNDER STATE LAW, OR A VIOLATION OF A MUNICIPAL ORDINANCE IMPOSING A PENALTY AUTHORIZED BY AS 29.25.070(a) IF A SENTENCE OF INCARCERATION MAY NOT BE IMPOSED FOR THE ORDINANCE VIOLATION,] shall be assessed a surcharge of \$20 [\$10] if the fine or bail forfeiture amount for the offense is \$30 or more.

\* Sec. 3. AS 44.41.020(f) is amended to read:

(f) The Department of Public Safety shall establish by regulation standardized forms for citations issued by law enforcement officers and other persons authorized by law to issue citations in the state. The department and the administrative director of the Alaska Court System may enter into agreements with each other and with other state agencies and municipalities to provide a statewide system to administer electronic citations, subject to AS 12.25.175 - 12.25.230 and rules adopted by the supreme court.

\* Sec. 4. AS 44.41 is amended by adding a new section to read:

**Sec. 44.41.027. Electronic citation fund.** The electronic citation 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 50 percent of the annual estimated balance in the accounts maintained under AS 37.05.142 for money collected as the result of a surcharge assessed under AS 12.55.039(a)(4). The legislature may make appropriations from the fund to the Department of Public Safety for the purchase and maintenance of equipment and supplies that are used by the state or by municipalities to issue electronic citations. Nothing in this section creates a

1 dedicated fund.

2 \* Sec. 5. The uncodified law of the State of Alaska is amended by adding a new section to  
3 read:

4 APPLICABILITY. AS 12.55.039(a), as amended by sec. 2 of this Act, applies to pleas  
5 of guilty, pleas of nolo contendere, bail forfeitures, or convictions that occur on or after the  
6 effective date of sec. 2 of this Act.

7 \* Sec. 6. The uncodified law of the State of Alaska is amended by adding a new section to  
8 read:

9 REGULATIONS. The Department of Public Safety may adopt regulations necessary  
10 to implement the changes made by this Act. The regulations take effect under AS 44.62  
11 (Administrative Procedure Act), but not before the effective date of the law implemented by  
12 the regulation.

13 \* Sec. 7. Section 6 of this Act takes effect immediately under AS 01.10.070(c).

14 \* Sec. 8. Except as provided in sec. 7 of this Act, this Act takes effect November 1, 2014.