



LAWS OF ALASKA

1987

Source

HCS CSSB 247 (Fin)

Chapter No.

76

AN ACT

Relating to citations for certain offenses; and providing for an effective date.

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

THE ACT FOLLOWS ON PAGE 1, LINE 9

UNDERLINED MATERIAL INDICATES TEXT THAT IS BEING ADDED TO THE LAW AND BRACKETED MATERIAL IN CAPITAL LETTERS INDICATES DELETIONS FROM THE LAW; COMPLETELY NEW TEXT OR MATERIAL REPEALED AND RE-ENACTED IS IDENTIFIED IN THE INTRODUCTORY LINE OF EACH BILL SECTION.

Approved by the Governor: June 15, 1987
Actual Effective Date: January 1, 1988

AN ACT

Relating to citations for certain offenses;
and providing for an effective date.

* Section 1. AS 12.25.190(c) is amended to read:

(c) The person cited for the crime shall give a written promise to appear in court by signing at least one copy of the written citation prepared by the peace officer and the officer shall deliver a copy of the citation to the person. The written promise requirement of this subsection does not apply to motor vehicle and traffic citations for which a bail or fine schedule has been established under AS 28.05.151, fish and game citations for which a bail schedule has been established under AS 16.05.165, citations issued under AS 18.-35.341, or [AND] citations issued in state park and recreational facilities under AS 41.21.960.

* Sec. 2. AS 12.25 is amended by adding a new section to read:

Sec. 12.25.195. DISPOSITION OF SCHEDULED OFFENSES. (a) A person cited for an offense for which a scheduled amount of bail or a fine has been established may mail or personally deliver to the clerk of the court with appropriate jurisdiction if a bailable offense, or to the clerk of the municipality that issued the citation if a scheduled municipal fine, the amount of the bail or fine indicated on the citation for the offense together with a copy of the citation signed by the person indicating the person's waiver of court appearance, entry of plea of no contest, and forfeiture of bail or fine. A motor

Chapter 76

1 vehicle or traffic citation may be mailed or personally delivered
2 within five days of the date of the citation. A citation for a sched-
3 uled offense other than a motor vehicle or traffic citation may be
4 mailed or personally delivered within 15 days of the date of the
5 citation.

6 (b) When bail or a fine is forfeited under this section, a
7 judgment of conviction shall be entered. The bail or fine paid is
8 complete satisfaction for the offense.

9 * Sec. 3. AS 12.25.200 is amended by adding a new subsection to read:

10 (b) A citation issued under AS 12.25.180 must indicate the
11 amount of bail or fine applicable to the offense, the procedure a
12 person must follow in responding to the citation, and that if the
13 person fails to pay the bail or fine the person must appear in court.
14 In addition, a citation must indicate that the person has a right to

- 15 (1) a trial;
16 (2) engage counsel;
17 (3) confront and question witnesses;
18 (4) testify; and
19 (5) subpoena witnesses on the person's behalf.

20 * Sec. 4. AS 12.25.210(a) is amended to read:

21 (a) A peace officer, upon issuing a citation to an alleged
22 violator under AS 12.25.180, shall deposit the original or a copy of
23 the citation with a court having jurisdiction over the alleged of-
24 fense. If the citation charges an offense under a municipal ordinance
25 for which a scheduled fine has been established, the peace officer
26 shall deposit the original or a copy of the citation with the clerk of
27 the municipality that issued the citation, unless otherwise provided
28 under rule adopted by the supreme court.

29 * Sec. 5. AS 12.25.230 is amended to read:

Sec. 12.25.230. FAILURE TO OBEY CITATION. Except as provided in (b) of this section, a [A] person who fails to appear in court to answer the citation, regardless of the disposition of the charge for which the citation was issued, is guilty of a misdemeanor and upon conviction is punishable by a fine of not more than \$1,000, or by imprisonment for not more than one year, or by both.

* Sec. 6. AS 12.25.230 is amended by adding new subsections to read:

(b) If a person is cited for an offense for which an amount of scheduled bail or fine is established and fails to pay the bail or fine, or appear in court, the citation shall be considered a summons for a misdemeanor.

(c) If a person cited for an offense for which an amount of scheduled bail or fine has been established appears in court and is found guilty, the penalty imposed for the offense may not exceed the bail or fine established for the offense.

* Sec. 7. AS 28.05.041(a) is amended to read:

(a) The commissioner shall prescribe and provide suitable application forms, certificates of title and registration, driver's licenses and all other forms necessary to carry out the provisions of this title and regulations adopted under this title, the administration of which is vested in the department, including a standard citation form which meets the requirements of AS 12.25.200 [AS 28.05.-151] and which is in a form necessary to identify the offender and the offense and otherwise necessary to meet the needs of the public safety and the administration of justice as required under that section.

* Sec. 8. AS 28.05.151 is repealed and reenacted to read:

Sec. 28.05.151. CITATIONS FOR SCHEDULED VEHICLE AND TRAFFIC OFFENSES. The supreme court shall determine by rule or order those motor vehicle and traffic offenses, except for offenses subject to a

Chapter 76

1 scheduled municipal fine, that are amenable to disposition without
2 court appearance and shall establish a scheduled amount of bail, not
3 to exceed fines prescribed by law, for each offense. A municipality
4 shall determine by ordinance the municipal motor vehicle and traffic
5 offenses that may be disposed without court appearance and shall
6 establish a fine schedule for each offense.

7 * Sec. 9. AS 28.15.191 is amended by adding a new subsection to read:

8 (f) A municipality that accepts a fine payment after a plea of
9 no contest to a charge of a violation of a municipal ordinance for
10 which a scheduled fine has been established shall forward a record of
11 the payment to the department; however, a conviction for a standing or
12 parking offense need not be reported.

13 * Sec. 10. AS 28.35.145(e) is amended to read:

14 (e) A vehicle owner, or in the case of a leased vehicle a les-
15 see, is guilty of an infraction as described in AS 28.40.050(d) and
16 may be punished by a fine [CIVIL PENALTY] not to exceed \$100, if the
17 vehicle owned or leased by the person is operated in violation of this
18 section. The owner or lessee may not be penalized if the vehicle was
19 stolen, or the driver of the vehicle is convicted under (d) of this
20 section. This subsection does not apply to a lessor of a vehicle if
21 the lessor keeps a record of the name and address of the lessee. A
22 violation of this subsection may not result in the loss of a driver's
23 license or privilege to drive and does not constitute grounds for
24 assessment of demerit points under AS 28.15.221 - 28.15.261. This
25 subsection does not prohibit or limit the prosecution of a vehicle
26 driver for violating (a) or (b) of this section.

27 * Sec. 11. AS 29.25.070(a) is amended to read:

28 (a) For the violation of an ordinance, a municipality may by
29 ordinance prescribe a penalty not to exceed a fine of \$1,000 and

imprisonment for 90 days. For a violation that cannot result in incarceration or the loss of a valuable license, a municipality may allow disposition of the violation without court appearance and establish a schedule of fine amounts for each offense.

* Sec. 12. This Act takes effect January 1, 1988.