

**HOUSE BILL NO. 474**

IN THE LEGISLATURE OF THE STATE OF ALASKA

NINETEENTH LEGISLATURE - SECOND SESSION

BY REPRESENTATIVES TOOHEY, Kelly

Introduced: 2/7/96

Referred: Community and Regional Affairs, Health, Education and Social Services, Judiciary

**A BILL**

**FOR AN ACT ENTITLED**

1 "An Act relating to violations of municipal ordinances and regulations; and  
2 amending the definition of the jurisdiction of the superior court and the  
3 Department of Health and Social Services over delinquent minors to add a further  
4 exclusion from that jurisdiction for a minor's violation of a municipal ordinance  
5 or regulation that is punishable as an infraction or violation, and making a  
6 related technical amendment to that jurisdictional definition."

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

8 \* **Section 1.** AS 12.80.040 is amended to read:

9           Sec. 12.80.040. VIOLATIONS AND INFRACTIONS. Except as provided in  
10 AS 11.81.900(b), [AND] AS 28.40.050(d), and AS 29.25.070(a)(2) and (3), all laws  
11 of the state relating to misdemeanors apply to violations and infractions, including the  
12 powers of peace officers, the jurisdiction of courts, and the periods for commencing  
13 actions and for bringing a case to trial.

1 \* **Sec. 2.** AS 29.25.070(a) is amended to read:

2 (a) For the violation of an ordinance, a municipality may by ordinance  
3 prescribe a penalty not to exceed a fine of \$1,000 and imprisonment for 90 days. For  
4 a violation that cannot result in incarceration or the loss of a valuable license,

5 (1) a municipality may allow disposition of the violation without court  
6 appearance and establish a schedule of fine amounts for each offense;

7 (2) if under a court rule applicable to the district court the  
8 violation may be disposed of as a minor offense because the municipality has  
9 established a schedule of fine amounts for the offense, a person charged with the  
10 violation is not entitled to

11 (A) a trial by jury; or

12 (B) appointment of a public defender or other counsel  
13 appointed at public expense to represent the person;

14 (3) when the person is found to have committed the violation, that  
15 determination does not give rise to any disability or legal disadvantage based on  
16 conviction of a crime.

17 \* **Sec. 3.** AS 47.10.010(b) is amended to read:

18 (b) When a minor is accused of violating a statute, **regulation, or municipal**  
19 **ordinance** specified in this subsection, other than a statute the violation of which is  
20 a felony, AS 47.10.020 - 47.10.090 and the Alaska Delinquency Rules do not apply  
21 and the minor accused of the offense shall be charged, prosecuted, and sentenced in  
22 the district court in the same manner as an adult. If a minor is charged, prosecuted,  
23 and sentenced for an offense under this subsection, the minor's parent, guardian, or  
24 legal custodian shall be present at all proceedings. The provisions of this subsection  
25 apply when a minor is accused of violating

26 (1) a traffic statute or regulation, or a traffic ordinance or regulation of  
27 a municipality;

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

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

31 (4) a parks and recreational facilities statute or regulation under

1 AS 41.21; and

2 (5) AS 04.16.050, relating to possession or consumption; **and**

3 **(6) an ordinance or regulation of a municipality that is punishable**  
4 **as an infraction or violation; for purposes of this paragraph, an ordinance or**  
5 **regulation is punishable as an infraction or violation if it prescribes conduct**  
6 **punishable only by a fine and not by imprisonment or the imposition of any other**  
7 **penalty.**