

**SENATE BILL NO. 271**

IN THE LEGISLATURE OF THE STATE OF ALASKA

NINETEENTH LEGISLATURE - SECOND SESSION

BY SENATOR LEMAN

Introduced: 2/7/96

Referred: Judiciary

**A BILL**

**FOR AN ACT ENTITLED**

1 "An Act relating to enforcement of and penalties for certain traffic violations;  
2 amending Rule 8(d), Alaska District Court Criminal Rules, and Rule 17(b), Alaska  
3 District Court Civil Rules."

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

5 \* **Section 1.** AS 12.25.200(b) is amended to read:

6 (b) A citation issued under AS 12.25.180 must indicate the amount of bail or  
7 fine applicable to the offense, the procedure a person must follow in responding to the  
8 citation, [AND] that, if the person fails to pay the bail or fine, the person must appear  
9 in court, and that failure to obey the citation may result in a civil judgment being  
10 entered against the person. In addition, a citation must indicate that the person has  
11 a right to

- 12 (1) a trial;  
13 (2) engage counsel;  
14 (3) confront and question witnesses;

1 (4) testify; and

2 (5) subpoena witnesses on the person's behalf.

3 \* **Sec. 2.** AS 12.25.230(b) is amended to read:

4 (b) If a person is cited for an offense for which an amount of scheduled bail  
5 or fine is established and fails to pay the bail or fine, or appear in court, the citation  
6 shall be considered a summons for a misdemeanor **and notice that civil judgment**  
7 **may be entered against the person as provided under AS 28.40.050(f).**

8 \* **Sec. 3.** AS 28.15.191(b) is amended to read:

9 (b) A conviction on a plea of **no contest** [NOLO CONTENDERE] accepted  
10 by the court, **a conviction by default entered by the court for an offense for which**  
11 **a bail forfeiture amount has been established under AS 28.05.151,** or a forfeiture  
12 of bail or collateral deposited to secure a defendant's appearance in court that has not  
13 been vacated is equivalent to a conviction for purposes of this chapter.

14 \* **Sec. 4.** AS 28.40.050 is amended by adding a new subsection to read:

15 (f) In addition to the penalties provided under AS 12.25.230, if a person fails  
16 to appear in court to answer a citation issued for an offense for which a scheduled  
17 amount of bail has been established as provided under AS 28.05.151, the court may  
18 enter a default civil judgment against the person for the amount of the scheduled bail.

19 \* **Sec. 5.** Rule 8(d), Alaska District Court Criminal Rules, is amended by adding a new  
20 paragraph to read:

21 (6) The court may enter a default civil judgment against a person who  
22 is charged with a minor offense and who fails to obey a citation issued under  
23 AS 28.05.151. The amount of the civil judgment may not exceed the scheduled  
24 amount of bail.

25 \* **Sec. 6.** Rule 17(b), Alaska District Court Civil Rules, is amended to read:

26 (b) Judgment on the pleadings may be entered pursuant to Rules 13(b)  
27 and 10(d), **and pursuant to District Court Criminal Rule 8(d)(6).**