

CS FOR HOUSE BILL NO. 261(JUD)

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTIETH LEGISLATURE - SECOND SESSION

BY THE HOUSE JUDICIARY COMMITTEE

Offered: 3/4/98

Referred: Finance

Sponsor(s): REPRESENTATIVE DAVIS

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to fines and to a surcharge imposed for violations of state or
2 municipal law and to the Alaska police training fund."

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

4 * **Section 1.** AS 12.25.195 is amended by adding a new subsection to read:

5 (c) Disposition of an offense under (a) of this section may not occur unless the
6 person cited for the offense pays the surcharge prescribed in AS 12.55.039 in addition
7 to the scheduled bail or fine amount. The surcharge required to be paid under this
8 subsection shall be deposited into the general fund and accounted for under
9 AS 37.05.142.

10 * **Sec. 2.** AS 12.25.200(b) is amended to read:

11 (b) A citation issued under AS 12.25.180 must indicate

12 (1) the amount of bail or fine **and the surcharge** applicable to the
13 offense;

14 (2) the procedure a person must follow in responding to the citation;

1 (3) that if the person fails to pay the bail or fine the person must appear
2 in court;

3 (4) that failure to pay the bail or fine or appear in court for an offense
4 involving a moving motor vehicle may result in

5 (A) suspension of the person's driver's license, privilege to
6 drive, or privilege to obtain a license; or

7 (B) attachment of the person's permanent fund dividend to pay
8 the fine plus court and collection costs under AS 28.05.155; and

9 (5) that the person has a right to

10 (A) a trial;

11 (B) engage counsel;

12 (C) confront and question witnesses;

13 (D) testify; and

14 (E) subpoena witnesses on the person's behalf.

15 * **Sec. 3.** AS 12.55.035 is amended by adding a new subsection to read:

16 (f) In imposing a fine, the court may not reduce the fine by the amount of a
17 surcharge or otherwise consider the applicability of a surcharge to the offense.

18 * **Sec. 4.** AS 12.55.039(a) is amended to read:

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

21 **(1) felony shall be assessed a surcharge of \$85;**

22 **(2) violation of a misdemeanor offense under AS 28.33.030,**
23 **28.33.031, AS 28.35.030, or 28.35.032, or a violation of a municipal ordinance**
24 **comparable to a misdemeanor offense under AS 28.33.030, 28.33.031,**
25 **AS 28.35.030, or 28.35.032 and adopted under AS 28.01.010, shall be assessed a**
26 **surcharge of \$75;**

27 **(3) misdemeanor, or a violation of a municipal ordinance if a**
28 **sentence of incarceration may be imposed for the ordinance violation, other than**
29 **a provision identified in (2) of this subsection, shall be assessed a surcharge of**
30 **\$45;**

31 **(4) violation or an infraction under state law or a violation of a**

1 **municipal ordinance if a sentence of incarceration may not be imposed for the**
 2 **ordinance violation** [OF A VEHICLE OR TRAFFIC OFFENSE UNDER AS 28, A
 3 REGULATION ADOPTED UNDER AS 28, OR A MUNICIPAL ORDINANCE
 4 UNDER AS 28.01.010] shall be assessed a surcharge of **\$15**

5 [(1) \$10 IF THE VIOLATION IS FOR OTHER THAN A VIOLATION
 6 OF AS 28.15.291, AS 28.33.030, 28.33.031, AS 28.35.030, 28.35.032, 28.35.040,
 7 28.35.060, OR A COMPARABLE MUNICIPAL ORDINANCE; OR

8 (2) \$25 IF THE VIOLATION IS A VIOLATION OF AS 28.15.291,
 9 AS 28.33.030, 28.33.031, AS 28.35.030, 28.35.032, 28.35.040, 28.35.060, OR A
 10 COMPARABLE MUNICIPAL ORDINANCE].

11 * **Sec. 5.** AS 18.65.225 is amended to read:

12 **Sec. 18.65.225. Alaska police training fund.** The Alaska police training fund
 13 is created in the general fund. The fund consists of appropriations made by the
 14 legislature to the fund. The legislature may appropriate to the fund the annual
 15 estimated balance in the accounts maintained under AS 37.05.142 for money collected
 16 under **AS 12.25.195(c)**, AS 12.55.039, [AND] AS 28.05.151, **and AS 29.25.072**. The
 17 legislature may appropriate equal amounts from the fund to the (1) Department of
 18 Public Safety for the Public Safety Training Academy, including Village Public Safety
 19 Officers, and (2) Alaska Police Standards Council to provide training for the law
 20 enforcement and corrections community of the state under AS 18.65.230. Nothing in
 21 this section creates a dedicated fund.

22 * **Sec. 6.** AS 28.05.151(c) is amended to read:

23 (c) The supreme court shall require as a condition of the disposition of an
 24 offense without appearance that a person charged with any offense for which a bail
 25 forfeiture amount has been adopted shall pay **the** [A] surcharge **prescribed in**
 26 **AS 12.55.039** [OF \$10] in addition to the bail forfeiture amount established by the
 27 supreme court. The surcharge required to be paid under this subsection shall be
 28 deposited into the general fund and accounted for under AS 37.05.142.

29 * **Sec. 7.** AS 29.10.200 is amended by adding a new paragraph to read:

30 (54) AS 29.25.072 (surcharge).

31 * **Sec. 8.** AS 29.25 is amended by adding a new section to read:

1 **Sec. 29.25.072. Surcharge.** (a) A municipality may not enforce an ordinance
2 for which a fine or imprisonment is prescribed as a penalty unless the municipality
3 authorizes the imposition of and provides for the collection of the surcharge required
4 to be imposed under AS 12.55.039. The surcharge shall be deposited into the general
5 fund of the state and accounted for under AS 37.05.142.

6 (b) This section applies to home rule and general law municipalities.

7 * **Sec. 9.** AS 29.25.075 is amended to read:

8 **Sec. 29.25.075. Collection of penalties.** The court may collect for a
9 municipality any monetary penalty or surcharge or item to be forfeited as a result of
10 the violation of an ordinance. The supreme court may prescribe by rule the fees to be
11 charged by all courts to municipalities for providing collection services under this
12 section.