

HOUSE BILL NO. 282

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTIETH LEGISLATURE - FIRST SESSION

BY REPRESENTATIVE KOHRING

Introduced: 5/10/97

Referred: Judiciary, Finance

A BILL

FOR AN ACT ENTITLED

1 "An Act imposing a surcharge on fines imposed for misdemeanors, infractions, and
2 violations and authorizing disposition of estimated receipts from that surcharge;
3 and amending the purposes for which grants may be made from the legal
4 assistance and juvenile justice grant fund in order to provide financial assistance
5 for the operation of youth courts."

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

7 * **Section 1.** AS 12.55 is amended by adding a new section to read:

8 **Sec. 12.55.041. Surcharge for misdemeanors and violations.** (a) In addition
9 to any fine or other penalty prescribed by law, a defendant who pleads guilty or nolo
10 contendere to, forfeits bail for, or is convicted of an offense punishable as a
11 misdemeanor or of an infraction or violation, except the violation of a vehicle or traffic
12 offense under AS 28, a regulation adopted under AS 28, or a municipal ordinance
13 under AS 28.01.010, shall be assessed a surcharge of \$25.

1 (b) A court may not fail to impose the surcharge required under this section.
 2 The surcharge may not be waived, deferred, or suspended. A court may allow a
 3 defendant who is unable to pay the surcharge required to be imposed under this section
 4 to perform community work under AS 12.55.055(c) in lieu of the surcharge.

5 (c) The surcharge shall be paid within 10 days of imposition or such shorter
 6 period of time as ordered by the court. Failure to pay the surcharge is punishable as
 7 contempt of court. Proceedings to collect the surcharge may be instituted by the state,
 8 the municipality, or by the court on its own motion.

9 (d) Money collected under this section shall be deposited into the general fund
 10 and accounted for under AS 37.05.142.

11 * **Sec. 2.** AS 44.47.200 is amended to read:

12 **Sec. 44.47.200. Legal assistance and juvenile justice grant fund.** (a) There
 13 is created in the department the legal assistance and juvenile justice grant fund. From
 14 legislative appropriations to the fund, the department shall make grants

15 [(1)] to eligible communities and regions for the purpose of enabling
 16 them to obtain legal assistance,

17 **(b) In addition to grants authorized by (a) of this section, the legislature**
 18 **may appropriate to the fund the annual estimated balance in the account**
 19 **maintained under AS 37.05.142 for money collected under AS 12.55.041 and may**
 20 **appropriate from the fund to the department to make grants** [; AND

21 (2)] to **youth courts** [A NONPROFIT CORPORATION] established
 22 under AS 47.12.400 [TO OPERATE AS A YOUTH COURT].

23 * **Sec. 3.** AS 44.47.210 is amended to read:

24 **Sec. 44.47.210. Eligibility.** (a) First and second class cities and
 25 unincorporated villages, and regional associations of those communities, may apply to
 26 the department for a grant under **AS 44.47.200(a)** [AS 44.47.200(1)]. Grants shall be
 27 made only to those communities or regions that would otherwise be unable to obtain
 28 legal assistance. A regional or village corporation formed under 43 U.S.C. 1601 -
 29 1608 (Alaska Native Claims Settlement Act) is not eligible for a grant under
 30 **AS 44.47.200(a)** [AS 44.47.200(1)].

31 (b) Nonprofit corporations proposing to establish and operate youth courts

1 under AS 47.12.400 may apply to the department for a [AN ORGANIZATIONAL]
 2 grant under AS 44.47.200(b) [AS 44.47.200(2)]. A grant under this subsection must
 3 be matched on a dollar-for-dollar basis by the grantee in cash or in kind. The
 4 commissioner may waive the match required under this subsection on a showing
 5 satisfactory to the commissioner by the prospective applicant that matching funds are
 6 not available.

7 * **Sec. 4.** AS 44.47.220 is amended to read:

8 **Sec. 44.47.220. Grants.** (a) Grants made under AS 44.47.200(a)
 9 [AS 44.47.200(1)] shall be used for a single legal project and not for the provision of
 10 general legal counsel. The department shall assure that the grant is spent for necessary
 11 legal assistance and that appropriate accounting procedures are maintained. Grants
 12 made under AS 44.47.200(a) [AS 44.47.200(1)] and this subsection may not exceed
 13 \$20,000.

14 (b) Grants made under AS 44.47.200(b) [AS 44.47.200(2)] shall be used
 15 (1) to defray the costs of organization of youth courts under
 16 AS 47.12.400; the [. THE] department shall assure that the grant is spent for
 17 necessary organizational assistance and that appropriate accounting procedures are
 18 maintained; grants [. GRANTS] made under [AS 44.47.200(2) AND] this
 19 paragraph [SUBSECTION] may not exceed \$30,000, and only [\$5,000. ONLY] one
 20 grant may be made to a grantee under authority of this paragraph; and
 21 (2) to defray the costs of operation of youth courts under
 22 AS 47.12.400 [SUBSECTION].