

HOUSE BILL NO. 28

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-FIRST LEGISLATURE - FIRST SESSION

BY REPRESENTATIVE CROFT

Introduced: 1/19/99

Referred: Health, Education and Social Services, 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 creating the juvenile justice grant fund in order to provide financial
4 assistance for the operation of youth courts."

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

6 * **Section 1.** AS 12.25.195(c) is amended to read:

7 (c) Disposition of an offense under (a) of this section may not occur unless the
8 person cited for the offense pays the surcharges required to be imposed under
9 [SURCHARGE PRESCRIBED IN] AS 12.55.039 **and 12.55.041** in addition to the
10 scheduled bail or fine amount. The surcharges [SURCHARGE] required to be paid
11 under this subsection shall be deposited into the general fund and accounted for under
12 AS 37.05.142.

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

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

1 (1) the amount of bail or fine and **each** [THE] surcharge applicable to
2 the offense;

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

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

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

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

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

12 (5) that the person has a right to

13 (A) a trial;

14 (B) engage counsel;

15 (C) confront and question witnesses;

16 (D) testify; and

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

18 * **Sec. 3.** AS 12.55 is amended by adding a new section to read:

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

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

29 (c) The surcharge shall be paid within 10 days of imposition or such shorter
30 period of time as ordered by the court. Failure to pay the surcharge is punishable as
31 contempt of court. Proceedings to collect the surcharge may be instituted by the state,

1 by the municipality, or by the court on its own motion.

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

4 * **Sec. 4.** AS 29.25.074(a) is amended to read:

5 (a) A municipality may not enforce an ordinance for which a fine of \$30 or
6 more or imprisonment is prescribed as a penalty unless the municipality authorizes the
7 imposition of and provides for the collection of the **surcharges** [SURCHARGE]
8 required to be imposed under AS 12.55.039 **and 12.55.041**. The **surcharges**
9 [SURCHARGE] shall be deposited into the general fund of the state and accounted for
10 under AS 37.05.142. Subject to appropriation, the legislature may reimburse a
11 municipality that collects a surcharge required to be imposed under AS 12.55.039 **or**
12 **12.55.041** for the cost to the municipality in collecting the surcharge and transmitting
13 the surcharge to the state. The reimbursement may not exceed 10 percent of the
14 surcharge collected and transmitted to the state.

15 * **Sec. 5.** AS 44.47 is amended by adding a new section to read:

16 **Sec. 44.47.201. Juvenile justice grant fund.** (a) There is created in the
17 department the juvenile justice grant fund. In addition to other appropriations to the
18 fund, the legislature may appropriate to the fund the annual estimated balance in the
19 account maintained under AS 37.05.142 for money collected under AS 12.55.041 and
20 may appropriate from the fund to the department to make grants to youth courts.

21 (b) Nonprofit corporations proposing to establish and operate youth courts
22 under AS 47.12.400 may apply to the department for a grant under (a) of this section.
23 A grant under this subsection must be matched on a dollar-for-dollar basis by the
24 grantee in cash or in kind. The commissioner may waive the match required under
25 this subsection on a showing satisfactory to the commissioner by the prospective
26 applicant that matching funds are not available.

27 (c) Grants made under (a) of this section shall be used

28 (1) to defray the costs of organization of youth courts under
29 AS 47.12.400; the department shall assure that the grant is spent for necessary
30 organizational assistance and that appropriate accounting procedures are maintained;
31 grants made under this paragraph may not exceed \$30,000, and only one grant may be

1 made to a grantee under authority of this paragraph; and

2 (2) to defray the costs of operation of youth courts under AS 47.12.400.

3 * **Sec. 6.** Notwithstanding the requirements of AS 12.55.041 and AS 37.05.142 that
4 surcharges collected under AS 12.55.041 be accounted for separately, the Alaska Court System
5 shall deposit money collected under AS 12.55.041 in the general fund and shall, by February 1
6 of each year, provide to the Department of Administration, to the Legislative Budget and
7 Audit Committee, and to each house of the legislature an estimate of the money collected
8 under AS 12.55.041 for that fiscal year.

9 * **Sec. 7.** Section 6 of this Act is repealed on the earlier of (1) the date that the Alaska
10 Court System has the capability to separately track and account electronically for money
11 collected under AS 12.55.041, or (2) June 30, 2002. The executive director of the Alaska
12 Court System shall notify the lieutenant governor and the revisor of statutes when the
13 electronic capability described in this section has been obtained.