

HOUSE BILL NO. 430

IN THE LEGISLATURE OF THE STATE OF ALASKA
TWENTY-SECOND LEGISLATURE - SECOND SESSION

BY REPRESENTATIVE CROFT

Introduced: 2/15/02

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; and**
3 **creating the juvenile justice grant fund in order to provide financial assistance for the**
4 **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
 20 addition to a fine or other penalty prescribed by law, a defendant who pleads guilty or
 21 nolo 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
 23 traffic offense under AS 28, a regulation adopted under AS 28, or a municipal
 24 ordinance under AS 28.01.010, shall be assessed a surcharge of \$10.

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
 28 section 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 28.05.151(c) is amended to read:

5 (c) The supreme court shall require as a condition of the disposition of an
6 offense without appearance that a person charged with any offense for which a bail
7 forfeiture amount has been adopted shall pay the surcharges [SURCHARGE]
8 prescribed in AS 12.55.039 **and 12.55.041** in addition to the bail forfeiture amount
9 established by the supreme court. The surcharges [SURCHARGE] required to be
10 paid under this subsection shall be deposited into the general fund and accounted for
11 under AS 37.05.142.

12 * **Sec. 5.** AS 29.25.074(a) is amended to read:

13 (a) A municipality may not enforce a penalty for violation of an ordinance for
14 which a surcharge is required to be imposed under AS 12.55.039 **or 12.55.041** unless
15 the municipality authorizes the imposition of and provides for the collection of the
16 surcharges [SURCHARGE]. The surcharges [SURCHARGE] shall be deposited
17 into the general fund of the state and accounted for under AS 37.05.142. Subject to
18 appropriation, the legislature may reimburse a municipality that collects a surcharge
19 required to be imposed under AS 12.55.039 **or 12.55.041** for the cost to the
20 municipality in collecting the surcharge and transmitting the surcharge to the state.
21 The reimbursement may not exceed 10 percent of the surcharge collected and
22 transmitted to the state.

23 * **Sec. 6.** AS 44.47 is amended by adding a new section to read:

24 **Sec. 44.47.201. Juvenile justice grant fund.** (a) There is created in the
25 department the juvenile justice grant fund. In addition to other appropriations to the
26 fund, the legislature may appropriate to the fund the annual estimated balance in the
27 account maintained under AS 37.05.142 for money collected under AS 12.55.041 and
28 may appropriate from the fund to the department to make grants to nonprofit
29 corporations only for youth courts under AS 47.12.400 or other informal dispositions
30 in which youths actively assist in adjudicating their peers.

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

1 under AS 47.12.400 or other informal dispositions in which youths actively assist in
2 adjudicating their peers may apply to the department for a grant under (a) of this
3 section. A grant under this subsection must be matched on a dollar-for-dollar basis by
4 the grantee in cash or in kind.

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

6 (1) to defray the costs of organization of youth courts under
7 AS 47.12.400 or other informal dispositions in which youths actively assist in
8 adjudicating their peers; the department shall assure that the grant is spent for
9 necessary organizational assistance and that appropriate accounting procedures are
10 maintained; grants made under this paragraph may not exceed \$30,000, and only one
11 grant may be made to a grantee under authority of this paragraph; and

12 (2) to defray the costs of operation of youth courts under AS 47.12.400
13 or other informal dispositions in which youths actively assist in adjudicating their
14 peers.

15 * **Sec. 7.** Section 8 of this Act is repealed on the earlier of (1) the date that the Alaska Court
16 System has the capability to separately track and account electronically for money collected
17 under AS 12.55.041, or (2) June 30, 2003. The executive director of the Alaska Court System
18 shall notify the lieutenant governor and the revisor of statutes when the electronic capability
19 described in this section has been obtained.

20 * **Sec. 8.** The uncodified law of the State of Alaska is amended by adding a new section to
21 read:

22 **DIRECTION TO COURT SYSTEM.** Notwithstanding the requirements of
23 AS 12.55.041 and AS 37.05.142 that surcharges collected under AS 12.55.041 be accounted
24 for separately, the Alaska Court System shall deposit money collected under AS 12.55.041 in
25 the general fund and shall, by February 1 of each year, provide to the Department of
26 Administration, to the Legislative Budget and Audit Committee, and to each house of the
27 legislature an estimate of the money collected under AS 12.55.041 for that fiscal year.