

HOUSE BILL NO. 384

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

BY REPRESENTATIVES ANDERSON, Neuman

Introduced: 1/20/06

Referred: Judiciary, Finance

A BILL

FOR AN ACT ENTITLED

1 **"An Act relating to fines and offenses; amending Rule 8(b), Alaska District Court Rules**
2 **of Criminal Procedure; and providing for an effective date."**

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

4 *** Section 1.** AS 02.35.130 is amended to read:

5 **Sec. 02.35.130. Penalty for violation of AS 02.35.090 and 02.35.110.** A
6 person violating a provision of AS 02.35.090 and 02.35.110 is guilty of a **violation**
7 [MISDEMEANOR AND UPON CONVICTION IS PUNISHABLE BY A FINE OF
8 NOT MORE THAN \$500].

9 *** Sec. 2.** AS 02.40.020(d) is amended to read:

10 (d) A person who violates this section is guilty of a **violation** [CLASS B
11 MISDEMEANOR] and is punishable by a fine of not less than **\$750** [\$500] or more
12 than \$1,000.

13 *** Sec. 3.** AS 03.45.040 is amended to read:

14 **Sec. 03.45.040. Penalties.** **A shipper or party responsible for a** [FOR

1 EACH] violation of AS 03.45.010 - 03.45.030, **commits a violation** [THE SHIPPER
 2 OR PARTY RESPONSIBLE FOR THE VIOLATION IS PUNISHABLE BY A FINE
 3 OF NOT MORE THAN \$500]. A consignee knowingly receiving diseased animals
 4 shipped and transported in violation of these sections **commits a violation** [IS
 5 PUNISHABLE BY A FINE OF NOT MORE THAN \$500]. A carrier knowingly
 6 carrying or transporting diseased animals in violation of these sections **commits a**
 7 **violation** [, IS PUNISHABLE BY A FINE OF NOT MORE THAN \$500].

8 * **Sec. 4.** AS 04.21.065(f) is amended to read:

9 (f) A holder of a license or permit who violates this section is guilty of a
 10 violation as defined in AS 11.81.900(b) and upon conviction is punishable by a fine of
 11 not less than \$20 nor more than **\$750** [\$300]. Each day a violation continues after a
 12 citation for the violation has been issued constitutes a separate violation.

13 * **Sec. 5.** AS 05.25.090(b) is amended to read:

14 (b) A person who violates

15 (1) AS 05.25.010, 05.25.020, 05.25.030(b), 05.25.060(2), or a
 16 regulation adopted under this chapter relating to AS 05.25.010 or 05.25.020 is guilty
 17 of a violation [AS DEFINED IN AS 11.81.900 AND MAY BE FINED UP TO \$500];

18 (2) AS 05.25.055 is guilty of a violation [AS DEFINED IN
 19 AS 11.81.900] and may be fined up to \$50.

20 * **Sec. 6.** AS 12.55.035(b) is amended to read:

21 (b) Except as provided in AS 12.55.036, upon conviction of an offense, a
 22 defendant who is not an organization may be sentenced to pay, unless otherwise
 23 specified in the provision of law defining the offense, a fine of not more than

24 (1) \$500,000 for murder in the first or second degree, attempted
 25 murder in the first degree, sexual assault in the first degree, sexual abuse of a minor in
 26 the first degree, kidnapping, or misconduct involving a controlled substance in the first
 27 degree;

28 (2) \$250,000 for a class A felony;

29 (3) \$100,000 for a class B felony;

30 (4) \$50,000 for a class C felony;

31 (5) \$10,000 for a class A misdemeanor;

1 (6) \$2,000 for a class B misdemeanor;

2 (7) **\$750** [\$500] for a violation **or an infraction.**

3 * **Sec. 7.** AS 16.05.420(b) is amended to read:

4 (b) A person may not make a false statement, or omit a material fact, in an
5 application for a license, tag, permit, or sport fishing vessel registration issued under
6 AS 16.05.330 - 16.05.430. A person who without any culpable mental state makes a
7 false statement as to the person's identity or residency in an application for a license,
8 tag, permit, or sport fishing vessel registration issued under AS 16.05.330 - 16.05.430
9 is guilty of a violation and upon conviction is punishable by a fine of not more than
10 **\$750** [\$300]. A person who knowingly violates this subsection is guilty of a class A
11 misdemeanor.

12 * **Sec. 8.** AS 16.10.030 is amended to read:

13 **Sec. 16.10.030. Penalty for violation of AS 16.10.010 - 16.10.050.** A person
14 who violates AS 16.10.010 - 16.10.050 is guilty of a misdemeanor and, upon
15 conviction, is punishable by a fine of not less than \$100 nor more than **\$750** [\$500].

16 * **Sec. 9.** AS 18.05.061 is amended to read:

17 **Sec. 18.05.061. Penalty for violation.** A person who violates a provision of
18 AS 18.05.040 or 18.05.042 or a regulation adopted under AS 18.05.040 or 18.05.042
19 is guilty of a misdemeanor and, upon conviction, is punishable by a fine of not more
20 than **\$750** [\$500], or by imprisonment for not more than one year. Each day that a
21 person continues a violation is a separate offense.

22 * **Sec. 10.** AS 18.23.040 is amended to read:

23 **Sec. 18.23.040. Penalty for violation.** Other than as authorized by
24 AS 18.23.030, a disclosure of data and information acquired by a review committee or
25 of what transpired at a review meeting is a misdemeanor and punishable by
26 imprisonment for not more than one year or by a fine of not more than **\$750** [\$500].

27 * **Sec. 11.** AS 18.35.110 is amended to read:

28 (a) A person who fails to comply with AS 18.35.100 is guilty of a **violation**
29 [MISDEMEANOR AND UPON CONVICTION IS PUNISHABLE BY A FINE OF
30 NOT MORE THAN \$500]. Each operating restaurant or tavern in violation constitutes
31 a separate offense.

1 * **Sec. 12.** AS 18.35.210 is amended to read:

2 **Sec. 18.35.210. Penalty for violation of AS 18.35.200.** A person who fails to
3 comply with AS 18.35.200 is guilty of a **violation** [MISDEMEANOR AND UPON
4 CONVICTION IS PUNISHABLE BY A FINE OF NOT MORE THAN \$500]. Each
5 day of operation is a separate offense.

6 * **Sec. 13.** AS 18.35.341(c) is amended to read:

7 (c) A person who violates AS 18.35.300, 18.35.305, or 18.35.330 is guilty of a
8 violation as defined in AS 11.81.900(b) and upon conviction is punishable by a fine of
9 not less than \$10 nor more than \$50 for a violation of AS 18.35.300 or 18.35.305 and
10 by a fine of not less than \$20 nor more than **\$750** [\$300] for a violation of
11 AS 18.35.330. Each day a violation of AS 18.35.330 continues after a citation for the
12 violation has been issued constitutes a separate violation.

13 * **Sec. 14.** AS 18.40.050 is amended to read:

14 **Sec. 18.40.050. Prohibited acts and penalties.** A person who willfully
15 removes, destroys, or defaces a cabin or part of a cabin, or stove or other furnishing, or
16 who occupies a cabin for a length of time other than that necessary and incident to
17 ordinary travel is guilty of **a misdemeanor** [VIOLATION OF THIS CHAPTER], and
18 upon conviction is punishable by a fine of not less than \$100 nor more than **\$750**
19 [\$500], or by imprisonment in a jail for not less than three months nor more than one
20 year, or by both.

21 * **Sec. 15.** AS 18.60.450(b) is amended to read:

22 (b) A person who violates a provision of AS 18.60.400 - 18.60.460 who has
23 previously been convicted of violating AS 18.60.400 - 18.60.460 is guilty of a
24 misdemeanor for which the maximum term of imprisonment that may be imposed is
25 30 days and the maximum fine that may be imposed is **\$750** [\$500].

26 * **Sec. 16.** AS 18.60.535 is amended to read:

27 **Sec. 18.60.535. Penalty.** A person who violates a regulation, standard, or order
28 of the department adopted or issued under AS 18.60.475 - 18.60.545 is guilty of a
29 misdemeanor and, upon conviction, is punishable by a fine of not more than **\$750**
30 [\$500], or by imprisonment for not more than one year, or by both. Each day upon
31 which a violation occurs constitutes a separate offense.

1 * **Sec. 17.** AS 18.60.685(a) is amended to read:

2 (a) A person who violates AS 18.60.670 - 18.60.695 is guilty of a
3 misdemeanor, and upon conviction is punishable by a fine of not more than **\$750**
4 [\$500], or by imprisonment for not more than six months, or by both.

5 * **Sec. 18.** AS 22.15.120(c) is amended to read:

6 (c) In this section, "minor offense" means

7 (1) an offense classified by statute as an infraction or a violation;

8 (2) an offense for which a bail forfeiture amount has been authorized
9 by statute and established by supreme court order; or

10 (3) a statutory offense for which a conviction cannot result in
11 incarceration, a fine greater than **\$750** [\$300], or the loss of a valuable license.

12 * **Sec. 19.** AS 23.10.370(a) is amended to read:

13 (a) Except as provided in (b) of this section, a person who violates a provision
14 of AS 23.10.325 - 23.10.370 is guilty of a misdemeanor and upon conviction is
15 punishable by a fine of not more than **\$750** [\$500], or by imprisonment for not more
16 than 90 days, or by both.

17 * **Sec. 20.** AS 23.10.415(a) is amended to read:

18 (a) A person who, whether as principal or agent, employs a person in violation
19 of the provisions of AS 23.10.410 is guilty of a misdemeanor, and upon a first
20 conviction is punishable by a fine of not less than \$100 nor more than **\$750** [\$500], or
21 by imprisonment in a jail for not less than 60 days, nor more than six months, or by
22 both.

23 * **Sec. 21.** AS 23.40.180 is amended to read:

24 **Sec. 23.40.180. Penalty for violation of order or decision.** A person who
25 violates a provision of an order or decision of the labor relations agency is guilty of a
26 **violation** [MISDEMEANOR AND IS PUNISHABLE BY A FINE OF NOT MORE
27 THAN \$500].

28 * **Sec. 22.** AS 25.05.331 is amended to read:

29 **Sec. 25.05.331. Unlawful issuance or refusal of license.** A licensing officer
30 who knowingly issues a marriage license knowing it to be in violation of the
31 provisions of this chapter or who willfully and wrongfully refuses to issue a license is

1 guilty of a misdemeanor, and upon conviction is punishable by imprisonment for not
2 more than six months, or by a fine of not more than \$750 [\$500], or by both.

3 * **Sec. 23.** AS 25.05.341 is amended to read:

4 **Sec. 25.05.341. Misrepresentation.** A person who misrepresents a fact
5 required to be stated on the application for a license or a form related to it, or a
6 licensing officer who issues a marriage license having reason to believe that any
7 material fact has been misrepresented, is guilty of a violation [MISDEMEANOR,
8 AND UPON CONVICTION IS PUNISHABLE BY A FINE OF NOT MORE THAN
9 \$500].

10 * **Sec. 24.** AS 28.39.010(b) is amended to read:

11 (b) A person who violates (a) of this section is guilty of an infraction [AND IS
12 SUBJECT TO A \$300 FINE UNDER AS 28.40.050(c)].

13 * **Sec. 25.** AS 28.40.050(b) is amended to read:

14 (b) A person convicted of a misdemeanor for a violation of a provision of this
15 title for which another penalty is not specifically provided is punishable by a fine of
16 not more than \$750 [\$500], or by imprisonment for not more than 90 days, or by both.
17 In addition, the privilege to drive or the registration of vehicles may be suspended or
18 revoked.

19 * **Sec. 26.** AS 28.40.050(c) is amended to read:

20 (c) Unless otherwise specified by law a person convicted of a violation of a
21 regulation adopted under this title, or a municipal ordinance regulating vehicles or
22 traffic when the municipal ordinance does not correspond to a provision of this title, is
23 guilty of an infraction [AND IS PUNISHABLE BY A FINE NOT TO EXCEED
24 \$300].

25 * **Sec. 27.** AS 33.05.020(e) is amended to read:

26 (e) The commissioner shall notify the manufacturer of the ignition interlock
27 device when the device is certified. The commissioner may not certify an ignition
28 interlock device unless the device prominently displays a label warning that a person
29 circumventing or tampering with the device in violation of AS 11.76.140 may be
30 imprisoned up to 30 days and fined up to \$750 [\$500].

31 * **Sec. 28.** AS 42.06.540(a) is amended to read:

1 (a) In addition to all other penalties and remedies provided by law, a person
2 subject to the provisions of this chapter, as well as an officer, manager, agent, or
3 employee of that person, that either violates or procures, aids, or abets the violation of
4 any provision of this chapter, or of an order, regulation, or written requirement of the
5 commission commits a violation [IS SUBJECT TO A MAXIMUM PENALTY OF
6 \$500 FOR EACH VIOLATION].

7 * **Sec. 29.** AS 42.40.830 is amended to read:

8 **Sec. 42.40.830. Penalty for violation of order or decision.** A person who
9 violates a provision of an order or decision of the railroad labor relations agency is
10 guilty of a violation [MISDEMEANOR AND IS PUNISHABLE BY A FINE OF
11 NOT MORE THAN \$500].

12 * **Sec. 30.** AS 44.09.015(b) is amended to read:

13 (b) Violation of this section is a misdemeanor, and upon conviction is
14 punishable by a fine of not more than \$750 [\$500], or by imprisonment for not more
15 than six months, or by both.

16 * **Sec. 31.** AS 46.14.400(j) is amended to read:

17 (j) A person who operates a motor vehicle in violation of emissions
18 requirements imposed under this section is guilty of a violation [AND, UPON
19 CONVICTION, SHALL BE FINED AN AMOUNT NOT TO EXCEED \$500]. It is
20 the intent of the legislature that money collected under this subsection be appropriated
21 to promote air quality control programs in municipalities.

22 * **Sec. 32.** AS 46.14.510(f) is amended to read:

23 (f) A person who fails to display an emissions inspection decal as required by
24 law is guilty of a violation [AND, UPON CONVICTION, SHALL BE FINED AN
25 AMOUNT NOT TO EXCEED \$500]. It is the intent of the legislature that money
26 collected under this subsection be appropriated to control pollution from motor vehicle
27 emissions.

28 * **Sec. 33.** The uncodified law of the State of Alaska is amended by adding a new section to
29 read:

30 DIRECT COURT RULE AMENDMENT. Rule 8(b), Alaska District Court
31 Rules of Criminal Procedure, is amended to read:

1 (b) **Minor Offenses.** As used in this rule, "minor offenses" means

2 (1) an offense classified by statute as an infraction or a violation; or

3 (2) any offense for which a bail forfeiture amount has been authorized
4 by statute and established by supreme court order; or

5 (3) any municipal motor vehicle or traffic offense for which a fine
6 amount has been established in a fine schedule adopted by municipal ordinance under
7 AS 28.05.151; or

8 (4) any offense under a municipal ordinance for which a conviction
9 cannot result in incarceration or the loss of a valuable license and for which a fine
10 schedule has been established under AS 29.25.070(a); or

11 (5) any offense under statute or municipal ordinance for which a
12 conviction cannot result in incarceration, a fine greater than \$750 [\$500], or the loss of
13 a valuable license.

14 * **Sec. 34.** This Act takes effect July 1, 2006.