

**CS FOR HOUSE BILL NO. 384(JUD)**

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-FOURTH LEGISLATURE - SECOND SESSION

BY THE HOUSE JUDICIARY COMMITTEE

Offered: 2/21/06

Referred: Finance

Sponsor(s): REPRESENTATIVES ANDERSON, Neuman

**A BILL**

**FOR AN ACT ENTITLED**

1 "An Act relating to fines for certain offenses involving aeronautics, shipment of animals,  
2 alcoholic beverages, boats, fish and game, health care records and public health, medical  
3 review organizations, public restroom facilities, smoking, shelter cabins, refrigerators  
4 and similar equipment, radiation sources, high voltage lines, child labor, employment in  
5 underground mines, marriage licenses, motor vehicles and driver's licenses, ignition  
6 interlock devices, pipelines, use of the state seal, and emissions requirements; relating to  
7 the maximum fine provided for violations and infractions and to the definition of 'minor  
8 offenses'; redesignating certain fish and game misdemeanor offenses as class A  
9 misdemeanors; amending Rule 8(b), Alaska District Court Rules of Criminal  
10 Procedure; and providing for an effective date."

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

12 \* **Section 1.** AS 02.35.130 is amended to read:

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

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

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

9 \* **Sec. 3.** AS 03.45.040 is amended to read:

10           **Sec. 03.45.040. Penalties. A shipper or party responsible for a** **[FOR**  
 11 **EACH]** violation of AS 03.45.010 - 03.45.030, **commits a violation** **[THE SHIPPER**  
 12 **OR PARTY RESPONSIBLE FOR THE VIOLATION IS PUNISHABLE BY A FINE**  
 13 **OF NOT MORE THAN \$500].** A consignee knowingly receiving diseased animals  
 14 shipped and transported in violation of these sections **commits a violation** **[IS**  
 15 **PUNISHABLE BY A FINE OF NOT MORE THAN \$500].** A carrier knowingly  
 16 carrying or transporting diseased animals in violation of these sections **commits a**  
 17 **violation** **[, IS PUNISHABLE BY A FINE OF NOT MORE THAN \$500].**

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

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

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

24           (b) A person who violates

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

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

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

31           (b) Except as provided in AS 12.55.036, upon conviction of an offense, a

1 defendant who is not an organization may be sentenced to pay, unless otherwise  
2 specified in the provision of law defining the offense, a fine of not more than

3 (1) \$500,000 for murder in the first or second degree, attempted  
4 murder in the first degree, sexual assault in the first degree, sexual abuse of a minor in  
5 the first degree, kidnapping, or misconduct involving a controlled substance in the first  
6 degree;

7 (2) \$250,000 for a class A felony;

8 (3) \$100,000 for a class B felony;

9 (4) \$50,000 for a class C felony;

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

11 (6) \$2,000 for a class B misdemeanor;

12 (7) **\$750** [\$500] for a violation **or an infraction.**

13 \* **Sec. 7.** AS 16.05.407(d) is amended to read:

14 (d) A nonresident who violates (a) of this section, or who fails to furnish an  
15 affidavit under (b) of this section, is guilty of a **class A** misdemeanor [AND UPON  
16 CONVICTION IS PUNISHABLE BY IMPRISONMENT FOR NOT MORE THAN  
17 ONE YEAR, OR BY A FINE OF NOT MORE THAN \$5,000, OR BY BOTH].

18 \* **Sec. 8.** AS 16.05.420(b) is amended to read:

19 (b) A person may not make a false statement, or omit a material fact, in an  
20 application for a license, tag, permit, or sport fishing vessel registration issued under  
21 AS 16.05.330 - 16.05.430. A person who without any culpable mental state makes a  
22 false statement as to the person's identity or residency in an application for a license,  
23 tag, permit, or sport fishing vessel registration issued under AS 16.05.330 - 16.05.430  
24 is guilty of a violation and upon conviction is punishable by a fine of not more than  
25 **\$750** [\$300]. A person who knowingly violates this subsection is guilty of a class A  
26 misdemeanor.

27 \* **Sec. 9.** AS 16.05.783(c) is amended to read:

28 (c) A person who violates this section is guilty of a **class A** misdemeanor [,  
29 AND UPON CONVICTION IS PUNISHABLE BY A FINE OF NOT MORE THAN  
30 \$5,000, OR BY IMPRISONMENT FOR NOT MORE THAN ONE YEAR, OR BY  
31 BOTH]. In addition, the court may order the aircraft and equipment used in or in aid

1 of a violation of this section to be forfeited to the state.

2 \* **Sec. 10.** AS 16.05.831(c) is amended to read:

3 (c) A person who violates this section or a regulation adopted under it is **guilty**  
 4 **of a class A misdemeanor** [PUNISHABLE BY A FINE OF NOT MORE THAN  
 5 \$10,000, OR BY IMPRISONMENT FOR NOT MORE THAN SIX MONTHS, OR  
 6 BY BOTH]. In addition, a person who violates this section is subject to a civil action  
 7 by the state for the cost of replacing the salmon wasted.

8 \* **Sec. 11.** AS 16.05.905(b) is amended to read:

9 (b) An alien person who violates (a) of this section is guilty of a **class A**  
 10 **misdemeanor. In addition, the court may order the** [, AND UPON CONVICTION  
 11 IS PUNISHABLE BY A] confiscation and forfeiture of the fishing vessel used in the  
 12 violation [, OR BY IMPRISONMENT FOR NOT MORE THAN ONE YEAR, OR  
 13 BY FINE OF NOT MORE THAN \$10,000, OR BY ALL OR ANY TWO OF THE  
 14 FOREGOING PUNISHMENTS].

15 \* **Sec. 12.** AS 16.10.030 is amended to read:

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

19 \* **Sec. 13.** AS 16.10.055 is amended to read:

20 **Sec. 16.10.055. Interference with commercial fishing gear.** A person who  
 21 wilfully or with reckless disregard of the consequences [,] interferes with or damages  
 22 the commercial fishing gear of another person is guilty of a **class A** misdemeanor. For  
 23 the purposes of this section,

24 **(1)** "interference" means the physical disturbance of gear **that**  
 25 [WHICH] results in economic loss or loss of fishing time;

26 **(2)** [, AND] "reckless disregard of the consequences" means a lack of  
 27 consideration for the consequences of one's acts in a manner that is reasonably likely  
 28 to damage the property of another.

29 \* **Sec. 14.** AS 16.10.090 is amended to read:

30 **Sec. 16.10.090. Penalty for violation of AS 16.10.070.** A person who violates  
 31 AS 16.10.070 is guilty of a **class A** misdemeanor [AND IS PUNISHABLE BY

1 IMPRISONMENT FOR NOT MORE THAN ONE YEAR, OR BY A FINE OF NOT  
2 MORE THAN \$5,000 OR BY BOTH].

3 \* **Sec. 15.** AS 16.10.110 is amended to read:

4 **Sec. 16.10.110. Penalty for violation of AS 16.10.100.** A person who violates  
5 AS 16.10.100 is guilty of a class A misdemeanor [AND IS PUNISHABLE BY  
6 IMPRISONMENT FOR NOT MORE THAN ONE YEAR OR BY A FINE OF NOT  
7 MORE THAN \$5,000, OR BY BOTH].

8 \* **Sec. 16.** AS 16.10.130 is amended to read:

9 **Sec. 16.10.130. Penalty for violation of AS 16.10.120 or 16.10.125.** A person  
10 who violates AS 16.10.120 or 16.10.125 is guilty of a class A misdemeanor [, AND  
11 UPON CONVICTION IS PUNISHABLE BY IMPRISONMENT FOR NOT MORE  
12 THAN SIX MONTHS, OR BY A FINE OF NOT MORE THAN \$1,000, OR BY  
13 BOTH].

14 \* **Sec. 17.** AS 16.10.220 is amended to read:

15 **Sec. 16.10.220. Penalty for violation of AS 16.10.200 and 16.10.210.** A  
16 person who violates AS 16.10.200 and 16.10.210 is guilty of a class A misdemeanor [,  
17 AND UPON CONVICTION IS PUNISHABLE BY A FINE OF NOT MORE THAN  
18 \$5,000 OR BY IMPRISONMENT FOR NOT MORE THAN ONE YEAR, OR BY  
19 BOTH].

20 \* **Sec. 18.** AS 16.10.250 is amended to read:

21 **Sec. 16.10.250. Penalty.** A person, association, or corporation violating  
22 AS 16.10.240 or contributing to or cooperating in the violation of AS 16.10.240 is  
23 guilty of a class A misdemeanor [, AND UPON CONVICTION IS PUNISHABLE  
24 BY A FINE OF NOT MORE THAN \$5,000, OR BY IMPRISONMENT FOR NOT  
25 MORE THAN ONE YEAR, OR BY BOTH]. Each unlawful removal of live crab is a  
26 separate offense. Vessels and equipment used in or in aid of a violation of  
27 AS 16.10.240 may be seized and disposed of as provided in AS 16.05.190. Conviction  
28 under AS 16.10.240 is grounds for suspension of a fishing license or permit by the  
29 department.

30 \* **Sec. 19.** AS 16.10.270(b) is amended to read:

31 (b) A person who violates this section is guilty of a class A misdemeanor

1 [AND UPON CONVICTION IS PUNISHABLE BY IMPRISONMENT FOR NOT  
2 MORE THAN ONE YEAR, OR BY A FINE OF NOT MORE THAN \$5,000, OR BY  
3 BOTH].

4 \* **Sec. 20.** AS 18.05.061 is amended to read:

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

10 \* **Sec. 21.** AS 18.23.040 is amended to read:

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

15 \* **Sec. 22.** AS 18.35.110 is amended to read:

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

20 \* **Sec. 23.** AS 18.35.210 is amended to read:

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

25 \* **Sec. 24.** AS 18.35.341(c) is amended to read:

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

1 \* **Sec. 25.** AS 18.40.050 is amended to read:

2           **Sec. 18.40.050. Prohibited acts and penalties.** A person who willfully  
3 removes, destroys, or defaces a cabin or part of a cabin, or stove or other furnishing, or  
4 who occupies a cabin for a length of time other than that necessary and incident to  
5 ordinary travel is guilty of **a misdemeanor** [VIOLATION OF THIS CHAPTER], and  
6 upon conviction is punishable by a fine of not less than \$100 nor more than **\$750**  
7 [\$500], or by imprisonment in a jail for not less than three months nor more than one  
8 year, or by both.

9 \* **Sec. 26.** AS 18.60.450(b) is amended to read:

10           (b) A person who violates a provision of AS 18.60.400 - 18.60.460 who has  
11 previously been convicted of violating AS 18.60.400 - 18.60.460 is guilty of a  
12 misdemeanor for which the maximum term of imprisonment that may be imposed is  
13 30 days and the maximum fine that may be imposed is **\$750** [\$500].

14 \* **Sec. 27.** AS 18.60.535 is amended to read:

15           **Sec. 18.60.535. Penalty.** A person who violates a regulation, standard, or order  
16 of the department adopted or issued under AS 18.60.475 - 18.60.545 is guilty of a  
17 misdemeanor and, upon conviction, is punishable by a fine of not more than **\$750**  
18 [\$500], or by imprisonment for not more than one year, or by both. Each day upon  
19 which a violation occurs constitutes a separate offense.

20 \* **Sec. 28.** AS 18.60.685(a) is amended to read:

21           (a) A person who violates AS 18.60.670 - 18.60.695 is guilty of a  
22 misdemeanor, and upon conviction is punishable by a fine of not more than **\$750**  
23 [\$500], or by imprisonment for not more than six months, or by both.

24 \* **Sec. 29.** AS 22.15.120(c) is amended to read:

25           (c) In this section, "minor offense" means  
26                   (1) an offense classified by statute as an infraction or a violation;  
27                   (2) an offense for which a bail forfeiture amount has been authorized  
28 by statute and established by supreme court order; or  
29                   (3) a statutory offense for which a conviction cannot result in  
30 incarceration, a fine greater than **\$750** [\$300], or the loss of a valuable license.

31 \* **Sec. 30.** AS 23.10.370(a) is amended to read:

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

5 \* **Sec. 31.** AS 23.10.415(a) is amended to read:

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

11 \* **Sec. 32.** AS 25.05.331 is amended to read:

12 **Sec. 25.05.331. Unlawful issuance or refusal of license.** A licensing officer  
13 who knowingly issues a marriage license knowing it to be in violation of the  
14 provisions of this chapter or who willfully and wrongfully refuses to issue a license is  
15 guilty of a misdemeanor, and upon conviction is punishable by imprisonment for not  
16 more than six months, or by a fine of not more than \$750 [\$500], or by both.

17 \* **Sec. 33.** AS 25.05.341 is amended to read:

18 **Sec. 25.05.341. Misrepresentation.** A person who misrepresents a fact  
19 required to be stated on the application for a license or a form related to it, or a  
20 licensing officer who issues a marriage license having reason to believe that any  
21 material fact has been misrepresented, is guilty of a violation [MISDEMEANOR,  
22 AND UPON CONVICTION IS PUNISHABLE BY A FINE OF NOT MORE THAN  
23 \$500].

24 \* **Sec. 34.** AS 28.39.010(b) is amended to read:

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

27 \* **Sec. 35.** AS 28.40.050(b) is amended to read:

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

1           revoked.

2   \* **Sec. 36.** AS 28.40.050(c) is amended to read:

3           (c) Unless otherwise specified by law a person convicted of a violation of a  
4           regulation adopted under this title, or a municipal ordinance regulating vehicles or  
5           traffic when the municipal ordinance does not correspond to a provision of this title, is  
6           guilty of an infraction [AND IS PUNISHABLE BY A FINE NOT TO EXCEED  
7           \$300].

8   \* **Sec. 37.** AS 33.05.020(e) is amended to read:

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

14   \* **Sec. 38.** AS 42.06.540(a) is amended to read:

15          (a) In addition to all other penalties and remedies provided by law, a person  
16          subject to the provisions of this chapter, as well as an officer, manager, agent, or  
17          employee of that person, that either violates or procures, aids, or abets the violation of  
18          any provision of this chapter, or of an order, regulation, or written requirement of the  
19          commission commits a violation [IS SUBJECT TO A MAXIMUM PENALTY OF  
20          \$500 FOR EACH VIOLATION].

21   \* **Sec. 39.** AS 44.09.015(b) is amended to read:

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

25   \* **Sec. 40.** AS 46.14.400(j) is amended to read:

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

31   \* **Sec. 41.** AS 46.14.510(f) is amended to read:

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

6 \* **Sec. 42.** The uncodified law of the State of Alaska is amended by adding a new section to  
 7 read:

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

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

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

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

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

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

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

23 \* **Sec. 43.** This Act takes effect July 1, 2006.