

CS FOR HOUSE BILL NO. 194(JUD)

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-FIFTH LEGISLATURE - FIRST SESSION

BY THE HOUSE JUDICIARY COMMITTEE

Offered: 5/2/07

Referred: Finance

Sponsor(s): THE HOUSE RESOURCES COMMITTEE

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to fines for certain offenses involving aeronautics, alcoholic beverages,
2 boats, fish and game, health care records and public health, medical review
3 organizations, public restroom facilities, smoking, shelter cabins, refrigerators and
4 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 04.21.065(f) is amended to read:

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

14 * **Sec. 4.** AS 05.25.090(b) is amended to read:

15 (b) A person who violates

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

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

21 * **Sec. 5.** AS 12.55.035(b) is amended to read:

22 (b) Except as provided in AS 12.55.036, upon conviction of an offense, a
 23 defendant who is not an organization may be sentenced to pay, unless otherwise
 24 specified in the provision of law defining the offense, a fine of no more than

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

29 (2) \$250,000 for a class A felony;

30 (3) \$100,000 for a class B felony;

31 (4) \$50,000 for a class C felony;

1 (5) \$10,000 for a class A misdemeanor;

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

3 (7) **\$750** [\$500] for a violation **or an infraction**.

4 * **Sec. 6.** AS 16.05.407(d) is amended to read:

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

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

10 (b) A person may not make a false statement, or omit a material fact, in an
11 application for a license, tag, permit, or sport fishing vessel registration issued under
12 AS 16.05.330 - 16.05.430. A person who without any culpable mental state makes a
13 false statement as to the person's identity or residency in an application for a license,
14 tag, permit, or sport fishing vessel registration issued under AS 16.05.330 - 16.05.430
15 is guilty of a violation and upon conviction is punishable by a fine of not more than
16 **\$750** [\$300]. A person who knowingly violates this subsection is guilty of a class A
17 misdemeanor.

18 * **Sec. 8.** AS 16.05.783(c) is amended to read:

19 (c) A person who violates this section is guilty of a **class A** misdemeanor [,
20 AND UPON CONVICTION IS PUNISHABLE BY A FINE OF NOT MORE THAN
21 \$5,000, OR BY IMPRISONMENT FOR NOT MORE THAN ONE YEAR, OR BY
22 BOTH]. In addition, the court may order the aircraft and equipment used in or in aid
23 of a violation of this section to be forfeited to the state.

24 * **Sec. 9.** AS 16.05.831(c) is amended to read:

25 (c) A person who violates this section or a regulation adopted under it is **guilty**
26 **of a class A misdemeanor** [PUNISHABLE BY A FINE OF NOT MORE THAN
27 \$10,000, OR BY IMPRISONMENT FOR NOT MORE THAN SIX MONTHS, OR
28 BY BOTH]. In addition, a person who violates this section is subject to a civil action
29 by the state for the cost of replacing the salmon wasted.

30 * **Sec. 10.** AS 16.05.905(b) is amended to read:

31 (b) An alien person who violates (a) of this section is guilty of a **class A**

1 misdemeanor. **In addition, the court may order the** [, AND UPON CONVICTION
 2 IS PUNISHABLE BY A] confiscation and forfeiture of the fishing vessel used in the
 3 violation [, OR BY IMPRISONMENT FOR NOT MORE THAN ONE YEAR, OR
 4 BY FINE OF NOT MORE THAN \$10,000, OR BY ALL OR ANY TWO OF THE
 5 FOREGOING PUNISHMENTS].

6 * **Sec. 11.** AS 16.10.030 is amended to read:

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

10 * **Sec. 12.** AS 16.10.055 is amended to read:

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

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

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

20 * **Sec. 13.** AS 16.10.090 is amended to read:

21 **Sec. 16.10.090. Penalty for violation of AS 16.10.070.** A person who violates
 22 AS 16.10.070 is guilty of a **class A** misdemeanor [AND IS PUNISHABLE BY
 23 IMPRISONMENT FOR NOT MORE THAN ONE YEAR, OR BY A FINE OF NOT
 24 MORE THAN \$5,000 OR BY BOTH].

25 * **Sec. 14.** AS 16.10.110 is amended to read:

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

30 * **Sec. 15.** AS 16.10.130 is amended to read:

31 **Sec. 16.10.130. Penalty for violation of AS 16.10.120 or 16.10.125.** A person

1 who violates AS 16.10.120 or 16.10.125 is guilty of a **class A** misdemeanor [, AND
2 UPON CONVICTION IS PUNISHABLE BY IMPRISONMENT FOR NOT MORE
3 THAN SIX MONTHS, OR BY A FINE OF NOT MORE THAN \$1,000, OR BY
4 BOTH].

5 * **Sec. 16.** AS 16.10.220 is amended to read:

6 **Sec. 16.10.220. Penalty for violation of AS 16.10.200 and 16.10.210.** A
7 person who violates AS 16.10.200 and 16.10.210 is guilty of a **class A** misdemeanor [,
8 AND UPON CONVICTION IS PUNISHABLE BY A FINE OF NOT MORE THAN
9 \$5,000 OR BY IMPRISONMENT FOR NOT MORE THAN ONE YEAR, OR BY
10 BOTH].

11 * **Sec. 17.** AS 16.10.250 is amended to read:

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

21 * **Sec. 18.** AS 16.10.270(b) is amended to read:

22 (b) A person who violates this section is guilty of a **class A** misdemeanor
23 [AND UPON CONVICTION IS PUNISHABLE BY IMPRISONMENT FOR NOT
24 MORE THAN ONE YEAR, OR BY A FINE OF NOT MORE THAN \$5,000, OR BY
25 BOTH].

26 * **Sec. 19.** AS 18.05.061 is amended to read:

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

1 * **Sec. 20.** AS 18.23.040 is amended to read:

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

6 * **Sec. 21.** AS 18.35.110 is amended to read:

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

11 * **Sec. 22.** AS 18.35.210 is amended to read:

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

16 * **Sec. 23.** AS 18.35.341(c) is amended to read:

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

23 * **Sec. 24.** AS 18.40.050 is amended to read:

24 **Sec. 18.40.050. Prohibited acts and penalties.** A person who willfully
25 removes, destroys, or defaces a cabin or part of a cabin, or stove or other furnishing, or
26 who occupies a cabin for a length of time other than that necessary and incident to
27 ordinary travel is guilty of **a misdemeanor** [VIOLATION OF THIS CHAPTER], and
28 upon conviction is punishable by a fine of not less than \$100 nor more than **\$750**
29 [\$500], or by imprisonment in a jail for not less than three months nor more than one
30 year, or by both.

31 * **Sec. 25.** AS 18.60.450(b) is amended to read:

1 (b) A person who violates a provision of AS 18.60.400 - 18.60.460 who has
 2 previously been convicted of violating AS 18.60.400 - 18.60.460 is guilty of a
 3 misdemeanor for which the maximum term of imprisonment that may be imposed is
 4 30 days and the maximum fine that may be imposed is \$750 [\$500].

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

6 **Sec. 18.60.535. Penalty.** A person who violates a regulation, standard, or order
 7 of the department adopted or issued under AS 18.60.475 - 18.60.545 is guilty of a
 8 misdemeanor and, upon conviction, is punishable by a fine of not more than \$750
 9 [\$500], or by imprisonment for not more than one year, or by both. Each day upon
 10 which a violation occurs constitutes a separate offense.

11 * **Sec. 27.** AS 18.60.685(a) is amended to read:

12 (a) A person who violates AS 18.60.670 - 18.60.695 is guilty of a
 13 misdemeanor, and upon conviction is punishable by a fine of not more than \$750
 14 [\$500], or by imprisonment for not more than six months, or by both.

15 * **Sec. 28.** AS 22.15.120(c) is amended to read:

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

- 17 (1) an offense classified by statute as an infraction or a violation;
 18 (2) an offense for which a bail forfeiture amount has been authorized
 19 by statute and established by supreme court order; or
 20 (3) a statutory offense for which a conviction cannot result in
 21 incarceration, a fine greater than \$750 [\$300], or the loss of a valuable license.

22 * **Sec. 29.** AS 23.10.370(a) is amended to read:

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

27 * **Sec. 30.** AS 23.10.415(a) is amended to read:

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

1 both.

2 * **Sec. 31.** AS 25.05.331 is amended to read:

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

8 * **Sec. 32.** AS 25.05.341 is amended to read:

9 **Sec. 25.05.341. Misrepresentation.** A person who misrepresents a fact
10 required to be stated on the application for a license or a form related to it, or a
11 licensing officer who issues a marriage license having reason to believe that any
12 material fact has been misrepresented, is guilty of a **violation** [MISDEMEANOR,
13 AND UPON CONVICTION IS PUNISHABLE BY A FINE OF NOT MORE THAN
14 \$500].

15 * **Sec. 33.** AS 28.39.010(b) is amended to read:

16 (b) A person who violates (a) of this section is guilty of an infraction [AND IS
17 SUBJECT TO A \$300 FINE UNDER AS 28.90.010(c)].

18 * **Sec. 34.** AS 28.90.010(b) is amended to read:

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

24 * **Sec. 35.** AS 28.90.010(c) is amended to read:

25 (c) Unless otherwise specified by law a person convicted of a violation of a
26 regulation adopted under this title, or a municipal ordinance regulating vehicles or
27 traffic when the municipal ordinance does not correspond to a provision of this title, is
28 guilty of an infraction [AND IS PUNISHABLE BY A FINE NOT TO EXCEED
29 \$300].

30 * **Sec. 36.** AS 33.05.020(e) is amended to read:

31 (e) The commissioner shall notify the manufacturer of the ignition interlock

1 device when the device is certified. The commissioner may not certify an ignition
 2 interlock device unless the device prominently displays a label warning that a person
 3 circumventing or tampering with the device in violation of AS 11.76.140 may be
 4 imprisoned up to 30 days and fined up to \$750 [\$500].

5 * **Sec. 37.** AS 42.06.540(a) is amended to read:

6 (a) In addition to all other penalties and remedies provided by law, a person
 7 subject to the provisions of this chapter, as well as an officer, manager, agent, or
 8 employee of that person, that either violates or procures, aids, or abets the violation of
 9 any provision of this chapter, or of an order, regulation, or written requirement of the
 10 commission commits a violation [IS SUBJECT TO A MAXIMUM PENALTY OF
 11 \$500 FOR EACH VIOLATION].

12 * **Sec. 38.** 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. 39.** 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. 40.** 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. 41.** 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. 42.** This Act takes effect July 1, 2007.