

HOUSE BILL NO. 386

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-SIXTH LEGISLATURE - SECOND SESSION

BY REPRESENTATIVE HAWKER

Introduced: 2/23/10

Referred: Judiciary, Finance

A BILL

FOR AN ACT ENTITLED

1 **"An Act establishing a uniform format and procedure for citations for certain violations**
2 **of state law; relating to the form, issuance, and disposition of citations for certain**
3 **violations; relating to certain crimes and penalties for noncompliance with citations; and**
4 **providing for an effective date."**

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

6 * **Section 1.** AS 04.16.205(a) is amended to read:

7 (a) A person who possesses alcoholic beverages in a municipality or
8 established village in violation of AS 04.11.501 or an ordinance adopted under
9 AS 04.11.501 may, upon conviction, be punished by a fine not to exceed \$1,000 and
10 shall forfeit the seized alcoholic beverages. When a peace officer stops or contacts a
11 person concerning a violation of AS 04.11.501 or an ordinance adopted under
12 AS 04.11.501, the peace officer shall seize the alcoholic beverages and may issue a
13 citation to the person as provided in **AS 12.25.175 - 12.25.230** [AS 12.25.180].

14 * **Sec. 2.** AS 04.16.205(b) is amended to read:

(b) **If a** [A] person cited for a violation of AS 04.11.501 or an ordinance adopted under AS 04.11.501 for which a bail amount has been established under (c) of this section **does not contest the citation, the person** may, within 30 days after the date the citation is issued,

(1) mail or personally deliver to the clerk of the court in which the citation is filed by the peace officer the amount of bail indicated on the citation and a copy of the citation indicating that the right to an appearance is waived, a plea of no contest is entered, and the bail and all alcoholic beverages seized are forfeited; or

(2) perform community work in lieu of payment of the fine or a portion of the fine as provided in (d) of this section.

* **Sec. 3.** AS 04.16.205(f) is repealed and reenacted to read:

(f) A person cited under this section is guilty of failure to obey a citation under AS 12.25.230 if the person fails to pay the fine, appear in court as required, or provide proof of performance to the court as specified in (d)(1) of this section. The citation is considered a summons for a failure to obey a citation under AS 12.25.230, and the court may issue a bench warrant.

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

(d) A peace officer may issue a citation for a violation of this section. The provisions of **AS 12.25.175 - 12.25.230** [AS 12.25.180(b) AND 12.25.190 - 12.25.230] apply to the issuance of a citation under this subsection.

* **Sec. 5.** AS 04.21.065(h) is amended to read:

(h) **If a** [A] person cited for a violation under this section **does not contest the citation, the person** may, **on or before the 30th day** [WITHIN 15 DAYS] after the date of the citation, mail or personally deliver to the clerk of the court in which the citation is filed

(1) the amount of bail indicated on the citation for the violation; and

(2) a copy of the citation indicating that the right to an appearance is waived, a plea of no contest is entered, and the bail is forfeited.

* **Sec. 6.** AS 04.21.065(j) is amended to read:

(j) If the person cited fails to pay the bail amount established under (g) of this section or to appear in court as required, the citation is considered a summons for

failure to obey a citation under AS 12.25.230, and the court may issue a bench warrant [A MISDEMEANOR].

* **Sec. 7.** AS 05.25.080(b) is amended to read:

(b) A peace officer may enforce this chapter and regulations adopted under this chapter and, in the exercise of enforcement, may stop and, if the peace officer has probable cause to believe a violation of this chapter has occurred, may board a boat subject to this chapter. A peace officer may issue a citation as provided in **AS 12.25.175 - 12.25.230** [AS 12.25.180] to a person who violates a provision of this chapter.

* **Sec. 8.** AS 05.25.080, as repealed and reenacted by sec. 18, ch. 28, SLA 2000, is amended to read:

Sec. 05.25.080. Enforcement. A peace officer may enforce this chapter and, in the exercise of enforcement, may stop and, **if the peace officer has probable cause to believe a violation of this chapter has occurred,** board watercraft subject to this chapter. **A peace officer may issue a citation as provided in AS 12.25.175 - 12.25.230 to a person who violates a provision of this chapter.**

* **Sec. 9.** AS 08.01.102 is amended to read:

Sec. 08.01.102. Citation for unlicensed practice or activity. The department may issue a citation for a violation of a license requirement under this chapter, except a requirement to have a license under AS 43.70, if there is probable cause to believe a person has practiced a profession or engaged in business for which a license is required without holding the license. Each day a violation continues after a citation for the violation has been issued constitutes a separate violation. **A citation issued under this section must comply with the standards adopted under AS 12.25.175 - 12.25.230.**

* **Sec. 10.** AS 08.01.103(a) is amended to read:

(a) [A CITATION ISSUED UNDER AS 08.01.102 MUST BE IN WRITING.] A person receiving the citation **issued under AS 08.01.102** is not required to sign a notice to appear in court.

* **Sec. 11.** AS 08.01.103(b) is amended to read:

(b) The time specified in the notice to appear on a citation issued under

AS 08.01.102 shall be at least five **working** days [, NOT INCLUDING WEEKENDS AND HOLIDAYS,] after the issuance of the citation [, UNLESS THE PERSON CITED REQUESTS AN EARLIER HEARING].

* **Sec. 12.** AS 08.01.103(d) is amended to read:

(d) **On or before the 10th working day after the issuance of a citation, the** [THE] department shall deposit the original or a copy of the citation with a court having jurisdiction over the alleged offense. Upon its deposit with the court, the citation may be disposed of only by trial in the court or other official action taken by the magistrate, judge, or prosecutor. The department may not dispose of a citation, copies of it, or [OF] the record of its issuance except as required under this subsection and (e) of this section.

* **Sec. 13.** AS 08.01.103(f) is repealed and reenacted to read:

(f) A citation issued under AS 08.01.102 is considered to be a lawful complaint for the purpose of prosecution.

* **Sec. 14.** AS 08.18.118(a) is amended to read:

(a) A citation issued under this chapter must **comply with AS 12.25.175 - 12.25.230** [BE IN WRITING]. A person receiving the citation is not required to sign a notice to appear in court.

* **Sec. 15.** AS 08.18.118(b) is amended to read:

(b) The time specified in the notice to appear on a citation issued under this chapter must be at least five **working** days [, NOT INCLUDING WEEKENDS AND HOLIDAYS,] after the issuance of the citation [, UNLESS THE PERSON CITED REQUESTS AN EARLIER HEARING].

* **Sec. 16.** AS 08.18.118(f) is repealed and reenacted to read:

(f) A citation issued under this chapter is considered to be a lawful complaint for the purpose of prosecution.

* **Sec. 17.** AS 08.40.340 is amended to read:

Sec. 08.40.340. Issuance of citations. The department may issue a citation **that complies with AS 12.25.175 - 12.25.230** for a violation if there is probable cause to believe a person has violated AS 08.40.210 - 08.40.490. Each day a violation continues after a citation for the violation has been issued constitutes a separate

violation.

* **Sec. 18.** AS 08.40.350(a) is amended to read:

(a) [A CITATION ISSUED UNDER AS 08.40.340 MUST BE IN WRITING.] A person receiving the citation under AS 08.40.340 is not required to sign a notice to appear in court.

* **Sec. 19.** AS 08.40.350(b) is amended to read:

(b) The time specified in the notice to appear on a citation issued under AS 08.40.340 must be at least five working days [, NOT INCLUDING WEEKENDS AND HOLIDAYS,] after the issuance of the citation [, UNLESS THE PERSON CITED REQUESTS AN EARLIER HEARING].

* **Sec. 20.** AS 08.40.350(f) is repealed and reenacted to read:

(f) A citation issued under AS 08.40.340 is considered to be a lawful complaint for the purpose of prosecution.

* **Sec. 21.** AS 12.25 is amended by adding a new section to article 2 to read:

Sec. 12.25.175. Uniform citation format and procedure. (a)

Notwithstanding any contrary provision of law, a citation issued by a peace officer and by another person who is authorized by law to issue a citation in the state must comply with standards concerning uniform citation format and procedure adopted by the Department of Public Safety. The standards must include

(1) a statewide numbering system for citations;

(2) a requirement that a citation be made upon oath or affirmation before a person authorized by law to administer oaths or affirmations or signed with a certification under penalty of perjury that the citation is true and was personally served on the person charged;

(3) a requirement that the citation contain information required by AS 12.25.200(b).

(b) The commissioner of public safety shall provide or prescribe citation forms for use by peace officers and other persons who are authorized by law to issue citations.

(c) The commissioner of public safety may adopt regulations under AS 44.62 to implement this section.

1 * **Sec. 22.** AS 12.25.180 is amended to read:

2 **Sec. 12.25.180. When peace officer may issue citation or take person**
 3 **before the court.** (a) When a peace officer stops or contacts a person [IS STOPPED
 4 OR CONTACTED BY A PEACE OFFICER] for the commission of a misdemeanor
 5 or the violation of a municipal ordinance, the officer [PERSON] may, in the officer's
 6 discretion, issue [OF THE CONTACTING PEACE OFFICER, BE ISSUED] a
 7 citation to the person instead of taking the person [BEING TAKEN] before a judge
 8 or magistrate under AS 12.25.150, unless

9 (1) the person does not furnish satisfactory evidence of identity;

10 (2) the contacting officer reasonably believes [HAS REASONABLE
 11 AND PROBABLE CAUSE TO BELIEVE] the person is a danger to self or others;

12 (3) the crime for which the person is contacted is one involving
 13 violence or harm to another person or to property;

14 (4) the person asks to be taken before a judge or magistrate under
 15 AS 12.25.150; or

16 (5) the peace officer has probable cause to believe the person
 17 committed a crime involving domestic violence; in this paragraph, "crime involving
 18 domestic violence" has the meaning given in AS 18.66.990.

19 (b) When a [PERSON IS STOPPED OR CONTACTED BY A] peace officer
 20 stops or contacts a person for the commission of an infraction or a violation, the
 21 officer [PERSON] shall issue [BE ISSUED] a citation instead of taking the person
 22 [BEING TAKEN] before a judge or magistrate under AS 12.25.150, unless

23 (1) the person does not furnish satisfactory evidence of identity; or

24 (2) the person refuses to accept service of the citation [OR TO GIVE
 25 A WRITTEN PROMISE TO APPEAR AS PROVIDED FOR UNDER
 26 AS 12.25.190(c)].

27 * **Sec. 23.** AS 12.25.190 is amended to read:

28 **Sec. 12.25.190. When person to be given five-day notice to appear in court.**

29 (a) When a person is contacted by a peace officer and the peace officer exercises one
 30 of the options [OPTION] provided for in AS 12.25.180, the officer shall prepare a
 31 written citation and issue it to the person.

(b) The time specified in the notice to appear shall be at least five working days after [THE ALLEGED VIOLATION OR] the issuance of the citation [, WHICHEVER IS LATER, UNLESS THE PERSON CITED REQUESTS AN EARLIER HEARING].

(c) The person cited [FOR THE CRIME] shall accept [GIVE A WRITTEN PROMISE TO APPEAR IN COURT BY SIGNING] at least one copy of the written citation prepared by the peace officer [, AND THE OFFICER SHALL DELIVER A COPY OF THE CITATION TO THE PERSON. THE WRITTEN PROMISE REQUIREMENT OF THIS SUBSECTION DOES NOT APPLY TO BOATING CITATIONS FOR WHICH A BAIL SCHEDULE HAS BEEN ESTABLISHED UNDER AS 05.25.090(c), MOTOR VEHICLE AND TRAFFIC CITATIONS FOR WHICH A BAIL OR FINE SCHEDULE HAS BEEN ESTABLISHED UNDER AS 28.05.151, FISH AND GAME CITATIONS FOR WHICH A BAIL SCHEDULE HAS BEEN ESTABLISHED UNDER AS 16.05.165, CITATIONS ISSUED UNDER AS 04.21.065, CITATIONS FOR SKIING VIOLATIONS ISSUED UNDER AS 05.45.100, CITATIONS ISSUED UNDER AS 18.35.341, CITATIONS ISSUED IN STATE PARK AND RECREATIONAL FACILITIES UNDER AS 41.21.960, OR LITTERING CITATIONS ISSUED UNDER AS 46.06.080].

* **Sec. 24.** AS 12.25.190(c), as repealed and reenacted by sec. 26, ch. 28, SLA 2000, and by sec. 41, ch. 12, SLA 2006, is amended to read:

(c) The person cited [FOR THE CRIME] shall accept [GIVE A WRITTEN PROMISE TO APPEAR IN COURT BY SIGNING] at least one copy of the written citation prepared by the peace officer [, AND THE OFFICER SHALL DELIVER A COPY OF THE CITATION TO THE PERSON. THE WRITTEN PROMISE REQUIREMENT OF THIS SUBSECTION DOES NOT APPLY TO MOTOR VEHICLE AND TRAFFIC CITATIONS FOR WHICH A BAIL OR FINE SCHEDULE HAS BEEN ESTABLISHED UNDER AS 28.05.151, FISH AND GAME CITATIONS FOR WHICH A BAIL SCHEDULE HAS BEEN ESTABLISHED UNDER AS 16.05.165, CITATIONS ISSUED UNDER AS 04.21.065, CITATIONS FOR SKIING VIOLATIONS ISSUED UNDER AS 05.45.100, CITATIONS ISSUED UNDER AS 18.35.341, CITATIONS ISSUED

1 IN STATE PARK AND RECREATIONAL FACILITIES UNDER AS 41.21.960, OR
 2 LITTERING CITATIONS ISSUED UNDER AS 46.06.080].

3 * **Sec. 25.** AS 12.25.195(a) is amended to read:

4 (a) **If a** [A] person cited for an offense for which a scheduled amount of bail
 5 or a fine has been established **does not contest the citation, the person** may mail or
 6 personally deliver to the clerk of the court with appropriate jurisdiction if a bailable
 7 offense, or to the clerk of the municipality that issued the citation if a scheduled
 8 municipal fine, the amount of the bail or fine indicated on the citation for the offense
 9 together with a copy of the citation signed by the person indicating the person's waiver
 10 of court appearance, entry of plea of no contest, and forfeiture of bail or fine. **The**
 11 **citation with the bail or fine shall be mailed or personally delivered on or before**
 12 **the 30th day after the date the citation was issued** [A MOTOR VEHICLE OR
 13 TRAFFIC CITATION MAY BE MAILED OR PERSONALLY DELIVERED
 14 WITHIN FIVE DAYS OF THE DATE OF THE CITATION. A CITATION FOR A
 15 SCHEDULED OFFENSE OTHER THAN A MOTOR VEHICLE OR TRAFFIC
 16 CITATION MAY BE MAILED OR PERSONALLY DELIVERED WITHIN 15
 17 DAYS OF THE DATE OF THE CITATION].

18 * **Sec. 26.** AS 12.25.200 is amended to read:

19 **Sec. 12.25.200. Form for citations.** (a) The chief administrative officer of
 20 each law enforcement agency **or other agency authorized to issue citations** in the
 21 state is responsible for the issuance of books containing appropriate citations, and shall
 22 maintain a record of each book and each citation contained in it and shall require and
 23 retain a receipt for every book issued to a peace officer **or other person authorized to**
 24 **issue citations.**

25 (b) A citation issued under AS 12.25.180 **or other law authorizing the**
 26 **issuance of a citation** must indicate, **if applicable,**

27 (1) the amount of bail or fine and the surcharge applicable to the
 28 offense;

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

30 (3) that, if the person fails to pay the bail or fine, the person must
 31 appear in court;

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

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

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

(5) that the person has a right to

(A) a trial;

(B) engage counsel;

(C) confront and question witnesses;

(D) testify; [AND]

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

* **Sec. 27.** AS 12.25.210(a) is amended to read:

(a) A peace officer or other person authorized by law to issue a citation, upon issuing a citation to an alleged violator under AS 12.25.180 or other law, on or before the 10th working day after issuance, shall deposit the original or a copy of the citation with a court having jurisdiction over the alleged offense. If the citation charges an offense under a municipal ordinance for which a scheduled fine has been established, the peace officer shall deposit the original or a copy of the citation with the clerk of the municipality that issued the citation, unless otherwise provided under rule adopted by the supreme court. Failure to file the citation within the prescribed time is not a basis for dismissal of the citation.

* **Sec. 28.** AS 12.25.210(d) is amended to read:

(d) The chief administrative officer of each law enforcement or other agency shall require each officer or other person in the agency to retain [RETURN] a copy of every citation issued by the officer or other person to an alleged violator of a law or ordinance and all copies of every citation that has been spoiled or upon which any entry has been made and not issued to an alleged violator.

* **Sec. 29.** AS 12.25.210(e) is amended to read:

(e) The chief administrative officer of each law enforcement or other agency shall also maintain, in connection with every citation issued by an officer or other

1 person in the agency, a record of the disposition of the charge by the court in which
2 the original or copy of the citation was deposited.

3 * **Sec. 30.** AS 12.25.230(a) is amended to read:

4 (a) Except as provided in (b) of this section or otherwise specifically
5 provided by law, a person who fails to appear in court to answer the citation,
6 regardless of the disposition of the charge for which the citation was issued, is guilty
7 of a class A misdemeanor [AND UPON CONVICTION IS PUNISHABLE BY A
8 FINE OF NOT MORE THAN \$1,000, OR BY IMPRISONMENT FOR NOT MORE
9 THAN ONE YEAR, OR BY BOTH].

10 * **Sec. 31.** AS 12.25.230(b) is repealed and reenacted to read:

11 (b) A person who fails to pay the bail or fine or appear in court in response to
12 a citation for which a scheduled bail or fine is established, regardless of the disposition
13 of the charge for which the citation was issued, is guilty of a class B misdemeanor.

14 * **Sec. 32.** AS 16.05.165(c) is amended to read:

15 (c) If a [A] person cited for a misdemeanor for which a bail amount has been
16 established under (b) of this section does not contest the citation, the person may,
17 on or before the 30th day [WITHIN 15 DAYS] after the date of the citation, mail or
18 personally deliver to the clerk of the court in which the citation is filed by the peace
19 officer

20 (1) the amount of bail indicated on the citation for that offense; and

21 (2) a copy of the citation indicating that the right to an appearance is
22 waived, a plea of no contest is entered, and the bail is forfeited.

23 * **Sec. 33.** AS 16.05.165(e) is repealed and reenacted to read:

24 (e) A person cited under this section is guilty of failure to obey a citation
25 under AS 12.25.230 if the person fails to pay the bail amount established under (b) of
26 this section or fails to appear in court as required. The citation is considered a
27 summons for failure to obey a citation under AS 12.25.230, and the court may issue a
28 bench warrant.

29 * **Sec. 34.** AS 18.35.341(a) is amended to read:

30 (a) A peace officer may issue a citation for a violation of AS 18.35.300 or
31 18.35.305 committed in the officer's presence or for a violation of AS 18.35.330. The

provisions of AS 12.25.175 - 12.25.230 [AS 12.25.180(b) AND 12.25.190 - 12.25.230] apply to the issuance of a citation under this subsection.

* **Sec. 35.** AS 18.35.341(e) is amended to read:

(e) If a [A] person cited for a violation under this section does not contest the citation, the person may, on or before the 30th day [WITHIN 15 DAYS] after the date of the citation, mail or personally deliver to the clerk of the court in which the citation is filed

(1) the amount of bail indicated on the citation for that violation; and

(2) a copy of the citation indicating that the right to an appearance is waived, a plea of no contest is entered, and the bail is forfeited.

* **Sec. 36.** AS 18.35.341(g) is repealed and reenacted to read:

(g) A person cited under this section is guilty of failure to obey a citation under AS 12.25.230 if the person fails to pay the bail amount established under (d) of this section or fails to appear in court as required. The citation is considered a summons for failure to obey a citation under AS 12.25.230, and the court may issue a bench warrant.

* **Sec. 37.** AS 28.01.010(h) is amended to read:

(h) A municipality may issue a citation for a traffic offense only if the citation complies with the provisions of AS 12.25.175 and 12.25.200 [AS 12.25.200].

* **Sec. 38.** AS 28.05.041(a) is amended to read:

(a) The commissioner of administration shall prescribe and provide suitable application forms, certificates of title and registration, driver's licenses, and all other forms necessary to carry out the provisions of this title and regulations adopted under this title, the administration of which is vested in the Department of Administration. The commissioner of public safety shall prescribe and provide suitable forms necessary to carry out the provisions of this title and regulations adopted under this title, the administration of which is vested in the Department of Public Safety, including a standard citation form that meets the requirements of AS 12.25.175 and 12.25.200 [AS 12.25.200] and that is in a form necessary to identify the offender and the offense and otherwise necessary to meet the needs of the public safety and the administration of justice as required under AS 12.25.175 and 12.25.200 [THAT

SECTION].

* **Sec. 39.** AS 28.32.010(b) is amended to read:

(b) A peace officer, or an employee of the Department of Public Safety who is authorized by the commissioner of that department to enforce both hazardous materials and commercial vehicle safety regulations, may issue a citation under **AS 12.25.175 - 12.25.230** [AS 12.25.180 - 12.25.230] to a person who violates a regulation adopted under AS 28.05.011(a)(2). An employee of the Department of Public Safety who is authorized by the commissioner of public safety to enforce both hazardous materials and commercial vehicle safety regulations may not take a person into custody under AS 12.25.180(b).

* **Sec. 40.** AS 41.21.960(a) is amended to read:

(a) When a peace officer stops or contacts a person concerning the commission of a misdemeanor offense committed within a park or recreational facility subject to the department's supervision, the officer may issue a citation to the person, subject to the provisions of **AS 12.25.175 - 12.25.230** [AS 12.25.180 - 12.25.230]. The person receiving the citation may not be required to endorse the citation.

* **Sec. 41.** AS 41.21.960(c) is amended to read:

(c) **If a** [A] person cited for an offense for which a bail amount has been established under (b) of this section **does not contest the citation, the person** may, **on or before the 30th day after** [WITHIN 15 DAYS FROM] the date of the citation, mail or personally deliver to the clerk of the court having jurisdiction over the place where the offense occurred

(1) the amount of bail indicated on the citation for that offense; and

(2) a copy of the citation indicating the offender's waiver of appearance, plea of no contest, and direction to forfeit the bail and any items seized from the offender.

* **Sec. 42.** AS 41.21.960(e) is repealed and reenacted to read:

(e) A person cited under this section is guilty of failure to obey a citation under AS 12.25.230 if the person fails to pay the bail amount established under (b) of this section or fails to appear in court as required. The citation is considered a summons for failure to obey a citation under AS 12.25.230, and the court may issue a

1 bench warrant.

2 * **Sec. 43.** AS 41.23.210(b) is amended to read:

3 (b) A person designated in (a) of this section may, when enforcing the
4 provisions of AS 41.23.180 - 41.23.230 or a regulation adopted under AS 41.23.180 -
5 41.23.230,

6 (1) execute a warrant or other process issued by an officer or court of
7 competent jurisdiction;

8 (2) administer or take an oath, affirmation, or affidavit; and

9 (3) issue a citation or arrest a person who violates a provision of
10 AS 41.23.180 - 41.23.230 or a regulation adopted under AS 41.23.180 - 41.23.230.

11 * **Sec. 44.** AS 41.23.210 is amended by adding a new subsection to read:

12 (c) A citation issued under (b) of this section must comply with the provisions
13 of AS 12.25.175 - 12.25.230.

14 * **Sec. 45.** AS 44.29.094(a) is amended to read:

15 (a) A citation issued under AS 44.29.092 must comply with the standards
16 adopted under AS 12.25.175 and 12.25.200 [BE IN WRITING] and must contain a
17 notice to appear in court. A person receiving the citation is not required to sign the
18 notice.

19 * **Sec. 46.** AS 44.29.094(b) is amended to read:

20 (b) The time specified in the notice to appear in court on the citation shall be
21 at least five working days [, NOT INCLUDING WEEKENDS AND HOLIDAYS,]
22 after the issuance of the citation [, UNLESS THE PERSON CITED REQUESTS AN
23 EARLIER APPEARANCE IN COURT].

24 * **Sec. 47.** AS 44.29.094(f) is repealed and reenacted to read:

25 (f) A citation issued under AS 44.29.092 is considered to be a lawful
26 complaint for the purpose of prosecution.

27 * **Sec. 48.** AS 44.41.020 is amended by adding a new subsection to read:

28 (f) The Department of Public Safety shall establish by regulation standardized
29 forms for citations issued by law enforcement officers and other persons authorized by
30 law to issue citations in the state.

31 * **Sec. 49.** AS 45.75.131(b) is amended to read:

(b) A citation issued under this section must **comply with the standards adopted under AS 12.25.175 - 12.25.230** [BE IN WRITING]. A person receiving the citation is not required to sign a promise to appear in court.

* **Sec. 50.** AS 45.75.131(c) is amended to read:

(c) The time specified in the notice to appear on a citation issued under this section must be at least **five working** [15] days after the issuance of the citation [, UNLESS THE PERSON CITED REQUESTS AN EARLIER HEARING].

* **Sec. 51.** AS 45.75.131(e) is amended to read:

(e) **On or before the 10th working day after issuance, a** [A] peace officer or an employee who issues a citation under this section shall deposit the original or a copy of the citation with a court having jurisdiction over the alleged offense. Upon its deposit with the court, the citation may be disposed of only by trial in the court or other official action taken by the magistrate, judge, or prosecutor. The peace officer or employee who issued the citation may not dispose of it or copies of it or of the record of its issuance except as required under this subsection and (f) of this section.

* **Sec. 52.** AS 45.75.131(g) is repealed and reenacted to read:

(g) A citation issued under this section is considered to be a lawful complaint for the purpose of prosecution.

* **Sec. 53.** AS 45.75.131(h) is amended to read:

(h) Unless the citation has been voided or otherwise dismissed by the magistrate, judge, or prosecutor, or bail has been forfeited under AS 45.75.133, a person who fails to appear in court to answer a citation issued under this section, regardless of the disposition of the charge for which the citation was issued, is guilty of **failure to obey a citation under AS 12.25.230(b)** [A CLASS B MISDEMEANOR].

* **Sec. 54.** AS 45.75.133(b) is amended to read:

(b) **If a** [A] person cited for a violation for which a bail forfeiture amount has been established under (a) of this section **does not contest the citation, the person** may, within **30** [15] days after the date of the citation, mail or personally deliver to the clerk of the court in which the citation is filed by the employee

(1) the amount of bail indicated on the citation for that offense; and

(2) a copy of the citation indicating that the right to an appearance is waived, a plea of no contest is entered, and the bail is forfeited.

* **Sec. 55.** AS 45.75.133(d) is repealed and reenacted to read:

(d) A person cited under this section is guilty of failure to obey a citation under AS 12.25.230(b) if the person fails to pay the bail amount established under (a) of this section or fails to appear in court as required. The citation is considered a summons for failure to obey a citation under AS 12.25.230(b), and the court may issue a bench warrant.

* **Sec. 56.** AS 46.06.080(d) is amended to read:

(d) A peace officer shall issue a citation as provided in AS 12.25.175 - 12.25.230 [AS 12.25.180] to a person who violates this section. If a citation is for a minor littering violation and the person does not contest the charge, [THEN] the person to whom the citation is issued may, on or before the 30th day after the date of the citation [WITHIN 15 DAYS], mail or personally deliver to the clerk of the court in which the citation is filed

(1) a fine of \$50; and

(2) a copy of the citation indicating that the right to an appearance is waived and a plea of no contest is entered.

* **Sec. 57.** AS 46.06.110(b) is amended to read:

(b) The department shall prescribe a citation form, which shall be used by all peace officers and persons in the state who are authorized to enforce the provisions of this chapter. The citation form must meet the requirements of AS 12.25.175 - 12.25.230.

* **Sec. 58.** AS 04.16.205(i) and 04.16.205(j) are repealed.

* **Sec. 59.** The uncoded law of the State of Alaska is amended by adding a new section to read:

APPLICABILITY. This Act applies to all citations issued by peace officers and other persons authorized under state law to issue citations for violations occurring on or after July 1, 2010.

* **Sec. 60.** The uncoded law of the State of Alaska is amended by adding a new section to read:

1 TRANSITIONAL PROVISIONS: REGULATIONS. The Department of Public Safety
2 may proceed to adopt regulations necessary to implement this Act. The regulations take effect
3 under AS 44.62 (Administrative Procedure Act), but not before July 1, 2010.

4 * **Sec. 61.** Section 60 of this Act takes effect immediately under AS 01.10.070(c).

5 * **Sec. 62.** Sections 8 and 24 of this Act take effect on the date that secs. 18 and 26, ch. 28,
6 SLA 2000, take effect under sec. 30, ch. 28, SLA 2000, as amended by sec. 3, ch. 34, SLA
7 2004, and by sec. 1, ch. 19, SLA 2009.

8 * **Sec. 63.** Except as provided in secs. 61 and 62 of this Act, this Act takes effect July 1,
9 2010.