

CS FOR HOUSE BILL NO. 175(JUD)

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-SEVENTH LEGISLATURE - FIRST SESSION

BY THE HOUSE JUDICIARY COMMITTEE

Offered: 3/18/11

Referred: Finance

Sponsor(s): HOUSE JUDICIARY COMMITTEE BY REQUEST

A BILL

FOR AN ACT ENTITLED

1 **"An Act relating to an appearance before a judicial officer after arrest; relating to**
2 **penalties for operating a vehicle without possessing proof of motor vehicle liability**
3 **insurance or a driver's license; relating to penalties for certain arson offenses; amending**
4 **Rule 5(a)(1), Alaska Rules of Criminal Procedure, and Rule 43.10, Alaska Rules of**
5 **Administration; and providing for an effective date."**

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

7 *** Section 1.** AS 12.25.150(a) is amended to read:

8 (a) A person arrested shall be taken before a judge or magistrate without
9 unnecessary delay, and in any event within **48** [24] hours after arrest, including
10 Sundays and holidays. This requirement applies to municipal police officers to the
11 same extent as it does to state troopers.

12 *** Sec. 2.** AS 12.70.130 is amended to read:

13 **Sec. 12.70.130. Arrest without warrant.** The arrest of a person may also be

lawfully made by a peace officer or a private person without a warrant upon reasonable information that the accused stands charged in the courts of another state with a crime punishable by death or imprisonment for a term exceeding one year, but when arrested the accused must be taken before a judge or magistrate without unnecessary delay and, in any event, within **48** [24] hours after arrest, including Sundays and holidays, and complaint shall be made against the accused under oath setting out the ground for the arrest as in AS 12.70.120. Thereafter the answer of the accused shall be heard as if the accused had been arrested on a warrant.

* **Sec. 3.** AS 28.15.131 is amended by adding a new subsection to read:

(b) Violation of this section is an infraction.

* **Sec. 4.** AS 28.22.019(c) is amended to read:

(c) A person convicted under this section is guilty of **an infraction** [A CLASS B MISDEMEANOR] and **shall be sentenced to pay a mandatory fine of \$500** [MAY BE PUNISHED AS PROVIDED IN AS 12.55, EXCEPT THAT A FINE OF AT LEAST \$500 MUST BE IMPOSED].

* **Sec. 5.** AS 41.23.220 is amended to read:

Sec. 41.23.220. Penalty. (a) **Except for conduct that is a violation of AS 11.46.420, a** [A] person who violates a provision of AS 41.23.180 - 41.23.230 or a regulation adopted under AS 41.23.180 - 41.23.230 is guilty of a violation as defined in AS 11.81.900.

(b) **Except for conduct that is a violation of AS 11.46.420, the** [THE] supreme court shall establish by order or rule a schedule of bail amounts for violations under (a) of this section that allow the disposition of a citation without a court appearance.

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

DIRECT COURT RULE AMENDMENT. Rule 5(a)(1), Alaska Rules of Criminal Procedure, is amended to read:

(1) Except when the person arrested is issued a citation for a misdemeanor or a violation and immediately thereafter released, the arrested person shall be taken before the nearest available judge or magistrate without unnecessary

1 delay and in any event within forty-eight hours after arrest, including Sundays
 2 and holidays. This appearance may be accomplished by the use of telephonic or
 3 television equipment pursuant to Criminal Rules 38.1 and 38.2. [NECESSARY
 4 DELAY WITHIN THE MEANING OF THIS PARAGRAPH (a) IS DEFINED AS A
 5 PERIOD NOT TO EXCEED FORTY-EIGHT HOURS AFTER ARREST,
 6 INCLUDING SUNDAYS AND HOLIDAYS.]

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

9 INDIRECT COURT RULE AMENDMENT. The amendments to AS 41.23.220, made
 10 in sec. 5 of this Act, have the effect of changing Rule 43.10, Alaska Rules of Administration,
 11 by prohibiting the disposition of a violation of AS 11.46.420 without court appearance and
 12 forfeiture of bail amounts.

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

15 APPLICABILITY. (a) Sections 1 - 4 of this Act apply to arrests for offenses
 16 committed before, on, or after the effective date of this Act.

17 (b) Sections 5 - 7 of this Act apply to offenses committed on or after the effective date
 18 of this Act.

19 * **Sec. 9.** The uncodified law of the State of Alaska is amended by adding a new section to
 20 read:

21 SEVERABILITY. Under AS 01.10.030, if any provision of this Act, or the application
 22 of it to any person or circumstance, is held invalid, the remainder of this Act and the
 23 application to other persons or circumstances is not affected.

24 * **Sec. 10.** This Act takes effect July 1, 2011.