

HOUSE BILL NO. 108

IN THE LEGISLATURE OF THE STATE OF ALASKA
TWENTY-EIGHTH LEGISLATURE - FIRST SESSION

BY REPRESENTATIVES PEGGY WILSON, Higgins, Millett

Introduced: 2/11/13

Referred: Judiciary, Finance

A BILL

FOR AN ACT ENTITLED

1 **"An Act relating to electronic citations; creating the electronic citation fund; and**
2 **providing for an effective date."**

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

4 *** Section 1.** AS 12.25.195(c) is amended to read:

5 (c) Disposition of an offense under (a) of this section may not occur unless the
6 person cited for the offense pays the surcharges [SURCHARGE] prescribed in
7 AS 12.55.039 and 12.55.043 in addition to the scheduled bail or fine amount. A
8 [THE] surcharge required to be paid under this subsection shall be deposited into the
9 general fund and accounted for under AS 37.05.142.

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

11 **Sec. 12.25.205. Electronic citations.** A citation issued under AS 12.25.180, or
12 another law authorizing the issuance of a citation, may be created, executed,
13 transmitted, or stored electronically to the extent allowed under rules adopted by the
14 supreme court.

1 * **Sec. 3.** AS 12.55 is amended by adding a new section to read:

2 **Sec. 12.55.043. Electronic citation surcharge.** (a) In addition to any fine or
3 other penalty prescribed by law and regardless of whether an electronic citation was
4 issued, a defendant who pleads guilty or nolo contendere to, forfeits bail for, or is
5 convicted of a violation of a state or municipal traffic law shall be assessed an
6 electronic citation surcharge in an amount established by regulation under
7 AS 44.41.020(f).

8 (b) The court shall impose on a defendant being sentenced for one or more
9 violations of a state or municipal traffic law in a single judgment a single surcharge
10 under (a) of this section.

11 (c) The court shall include a surcharge imposed under (a) of this section in the
12 judgment of conviction. For a surcharge that is not paid by the person as required by
13 this section, the state shall seek reimbursement from the person's permanent fund
14 dividend as provided under AS 43.23.065. For purposes of collection and priority of
15 attachment under AS 43.23.065, a surcharge imposed under this section is accounted
16 for in the same manner as a cost of imprisonment under AS 28.35.030(k) and
17 28.35.032(o). The state may enforce payment of a surcharge under this section under
18 AS 09.35 as if it were a civil judgment enforceable by execution. This subsection does
19 not limit the authority of the court to enforce surcharges.

20 (d) Money collected as the result of an assessment under this section shall be
21 deposited into the general fund and accounted for under AS 37.05.142.

22 (e) In this section, "traffic law" has the meaning given "traffic laws" in
23 AS 28.15.261.

24 * **Sec. 4.** AS 37.05.146(c) is amended by adding a new paragraph to read:

25 (87) surcharges collected under AS 12.55.043.

26 * **Sec. 5.** AS 44.41.020(f) is amended to read:

27 (f) The Department of Public Safety shall establish by regulation **the amount**
28 **of the electronic citation surcharge under AS 12.55.043(a) and** standardized forms
29 for citations issued by law enforcement officers and other persons authorized by law to
30 issue citations in the state. **The department may enter into agreements with local**
31 **governmental agencies to provide a statewide system to administer electronic**

1 **citations, subject to AS 12.25.175 - 12.25.230 and rules adopted by the supreme**
2 **court.**

3 * **Sec. 6.** AS 44.41 is amended by adding a new section to read:

4 **Sec. 44.41.027. Electronic citation fund.** The electronic citation fund is
5 created in the general fund. The fund consists of appropriations made by the
6 legislature to the fund. The legislature may appropriate to the fund the annual
7 estimated balance in the accounts maintained under AS 37.05.142 for money collected
8 as the result of a surcharge assessed under AS 12.55.043. The legislature may make
9 appropriations from the fund to the Department of Public Safety for the purchase and
10 maintenance of equipment and supplies for issuing electronic citations. Nothing in this
11 section creates a dedicated fund.

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

14 **APPLICABILITY.** AS 12.55.043, added by sec. 3 of this Act, is applicable to pleas of
15 guilty, pleas of nolo contendere, bail forfeitures, or convictions that occur on or after the
16 effective date of sec. 3 of this Act and that result in the assessment of a surcharge under
17 AS 12.55.039.

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

20 **TRANSITION: REGULATIONS.** The Department of Public Safety may adopt
21 regulations necessary to implement the changes made by this Act. The regulations take effect
22 under AS 44.62 (Administrative Procedure Act), but not before the effective date of the law
23 implemented by the regulation.

24 * **Sec. 9.** Section 8 of this Act takes effect immediately under AS 01.10.070(c).