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IN THE HOUSE

BY RULES COMMITTEE
BY REQUEST OF THE GOVERNOR

HOUSE BILL NO. 52

IN THE LEGISLATURE OF THE STATE OF ALASKA

SECOND LEGISLATURE - FIRST SESSION

A BILL

For an Act entitled: "An Act relating to the arrest of persons charged with traffic crimes, making uniform the law with reference thereto; and providing for an effective date."

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

Section 1. CITATION OF ACT. This Act may be cited as the Uniform Traffic Arrest Act.

Sec. 2. TRAFFIC CODE DEFINED. The "Traffic Code" as used in this Act shall include Alaska Traffic Regulations promulgated under the authority of Sec. 50-1-4, ACLA 1949 as amended, Ch. 163, SLA 1959, this Act and all laws and ordinances, enacted before or after this Act is enacted, governing the operation and equipment of motor vehicles, the licensing of drivers and vehicles, and the reporting of accidents.

Sec. 3. PARTIES TO A CRIME. Any person who commits, attempts or conspires to commit any act declared by the Traffic Code to be a crime, or induces, aids, or causes another to violate the Traffic Code shall be guilty of the offense committed.

Sec. 4. ARRESTS FOR SERIOUS OFFENSES. a. The authority of a police officer to make an arrest is the same as upon an arrest for a felony when the officer has reasonable and probable grounds to believe that the person to be arrested has committed any of the following offenses:

(1) Negligent homicide;

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(2) Driving, or being in actual physical control of, a vehicle while under the influence of intoxicating liquor, or drugs;

(3) Failure to stop, failure to give information, or failure to render reasonable assistance, in the event of an accident, resulting in death or bodily harm;

(4) Failure to stop, or failure to give information in the event of an accident resulting in damage to a vehicle or to other property legally upon or adjacent to a highway;

(5) Reckless driving;
Provided, however, that the manner of making arrests under this section shall be as in misdemeanor cases.

b. Whenever any person is arrested as authorized in this section he shall be taken without unnecessary delay before the proper magistrate as provided in Sec. 9, except that in the case of either of the offenses designated in paragraphs (4) and (5) a police officer shall have the same discretion as is provided for in other cases in Sec. 5 of this Act.

Sec. 5. WHEN PERSON MUST BE TAKEN IMMEDIATELY BEFORE A MAGISTRATE. Whenever any person is halted by a police officer for any violation of the Traffic Code not a felony, he shall be taken without unnecessary delay before the proper magistrate, as provided in Sec. 9:

(1) When the person demands an immediate appearance before a magistrate; or

(2) When the person is issued a traffic citation, by an authorized person and refuses to give his written promise to appear in court as provided in Sec. 8 d.

Sec. 6. WHEN OFFICER HAS OPTION TO TAKE PERSON BEFORE A

1 MAGISTRATE. Whenever any person is halted by a police officer
2 for any violation of the Traffic Code and is not required to be
3 taken before a magistrate as provided in Secs. 4 or 5, the per-
4 son may be given, in the discretion of the officer, either a
5 traffic citation as provided for in Sec. 8, or be taken without
6 unnecessary delay before the proper magistrate, as specified in
7 Sec. 9, in any of the following cases:

8 (1) When the person does not furnish satisfactory
9 evidence of identity or when the officer has reasonable grounds
10 to believe the person will disregard a written promise to appear
11 in court;

12 (2) When the person is charged with a violation of the
13 Traffic Code relating to vehicles transporting explosives;

14 (3) When the person is charged with a violation of the
15 Traffic Code relating to the failure or refusal of a driver of
16 a vehicle to submit the vehicle and load to a weighing or to
17 remove excess weight therefrom.

18 Sec. 7. ARREST OF NONRESIDENT. a. All of the provisions
19 of this Act apply both to residents and nonresidents of Alaska
20 alike, except that a police officer at the scene of a traffic
21 accident may arrest without a warrant any driver of a vehicle who
22 is a nonresident of this state and who is involved in the ac-
23 cident when, based upon personal investigation, the officer has
24 reasonable grounds to believe that the person has committed any
25 offense under the provisions of the Traffic Code in connection
26 with the accident, and if the officer has reasonable grounds to
27 believe the person will disregard a written promise to appear
28 in court.

29 b. Whenever any person is arrested under the provisions of

1 this section, he shall be taken without unnecessary delay before
2 the proper magistrate, as specified in Sec. 9.

3 Sec. 8. WHEN PERSON TO BE GIVEN FIVE-DAY NOTICE TO APPEAR
4 IN COURT. a. Whenever a person is halted by a police officer
5 for any violation of the Traffic Code punishable as a misdemeanor
6 and is not taken before a magistrate, the officer shall prepare
7 in quadruplicate a written traffic citation containing notice to
8 appear before a magistrate, the name and address of the person,
9 the state registration number of his vehicle, if any, the offense
10 charged, the time and place when and where the person shall ap-
11 pear before the magistrate, and such other pertinent information
12 as may be necessary.

13 b. The time specified in the notice to appear must be at
14 least five days after the alleged violation unless the person
15 charged with the violation requests an earlier hearing.

16 c. If the person charged with the violation gives his
17 written promise to appear in court by signing at least one copy
18 of the written traffic citation prepared by the officer, the
19 officer shall deliver a copy of the citation to the person, and
20 shall not take the person into physical custody for the violation.

21 d. Willful violation of the procedure prescribed in this
22 section constitutes misconduct in office.

23 Sec. 9. AUTHORITY OF AN OFFICER AT THE SCENE OF AN ACCIDENT.
24 A police officer at the scene of a traffic accident may issue a
25 traffic citation, as provided in Sec. 8 to the driver of any
26 vehicle involved in the accident when, based upon personal in-
27 vestigation, the officer has reasonable grounds to believe that
28 the person has committed an offense under the provisions of the
29 Traffic Code other than a felony or one of the offenses enumerated

1 in paragraphs (1), (2), and (3) of Sec. 4 a. of this Act, in con-
2 nection with the accident.

3 Sec. 10. APPEARANCE BEFORE MAGISTRATE HAVING JURISDICTION.

4 Whenever any person is taken before a magistrate or is given a
5 written traffic citation containing a notice to appear before a
6 magistrate, the magistrate shall be the nearest or most access-
7 ible, within the judicial district in which the offense charged
8 is alleged to have been committed.

9 Sec. 11. RELEASE OF DEFENDANT WHEN MAGISTRATE NOT AVAILABLE.

10 Whenever any person is taken into custody by an officer for the
11 purpose of taking him before a magistrate upon any charge other
12 than a felony or one of the offenses enumerated in paragraphs
13 (1), (2), and (3) of Sec. 4 a. and no magistrate is available at
14 the time of arrest, and there is no lawfully established bail
15 schedule, or no court clerk or other public officer who is avail-
16 able and authorized to accept bail upon behalf of the magistrate
17 or court, the person shall be released from custody upon the
18 issuance to him of a traffic citation and his signing a promise
19 to appear, as provided in Sec. 8.

20 Sec. 12. FAILURE TO OBEY CITATION. a. It shall be unlaw-
21 ful for any person to violate his written promise to appear given
22 to an officer upon the issuance of a traffic citation regardless
23 of the disposition of the charge for which the citation was
24 originally issued.

25 b. A written promise to appear in court may be complied
26 with by an appearance of counsel.

27 Sec. 13. PROCEDURE PRESCRIBED HEREIN NOT EXCLUSIVE. The
28 provisions of this Act shall govern all police officers in making
29 arrests without a warrant for violations of the Traffic Code

1 but the procedure prescribed herein is not exclusive of any other
2 method prescribed by law for the arrest and prosecution of a
3 person for an offense of like degree.

4 Sec. 14. EVIDENCE OF CONVICTION INADMISSIBLE IN A CIVIL
5 ACTION. No evidence of the conviction of any person for a viola-
6 tion of any provision of the Traffic Code is admissible for any
7 purpose in any civil action.

8 Sec. 15. CONVICTION FOR TRAFFIC VIOLATION NOT TO AFFECT
9 CREDIBILITY OF WITNESS. The conviction of a person upon a charge
10 of violating any provision of the Traffic Code except a felony
11 shall not affect or impair the credibility of the person as a
12 witness in any criminal proceeding.

13 Sec. 16. FORM FOR TRAFFIC CITATIONS. a. Every traffic-
14 enforcement agency in this state shall provide its enforcement
15 officers with books of traffic citations containing notices to
16 appear which shall be issued in books with citations in quad-
17 ruplicate and meeting the requirements of Sec. 8 of this Act.

18 b. The chief administrative officer of every traffic-
19 enforcement agency shall be responsible for the issuance of the
20 books and shall maintain a record of every book and each citation
21 contained therein issued to individual members of the traffic-
22 enforcement agency and shall require and retain a receipt for
23 every book so issued.

24 Sec. 17. DISPOSITION AND RECORDS OF TRAFFIC CITATIONS. a.
25 Every traffic-enforcement officer upon issuing a traffic citation
26 to an alleged violator of a provision of the Traffic Code shall
27 deposit the original or a copy of the traffic citation with a
28 court having jurisdiction over the alleged offense or with its
29 traffic-violations bureau.

1 b. Upon the deposit of the original or copy of the traffic
2 citation with the court or with its traffic-violations bureau,
3 the original or copy of the traffic citation may be disposed of
4 only by trial or other official action by the judge or magistrate,
5 including forfeiture of the bail, or by the payment of the fine
6 or the deposit of sufficient bail with the traffic-violations
7 bureau.

8 c. The chief administrative officer of every traffic-
9 enforcement agency shall require the return to him of a copy of
10 every traffic citation issued by an officer under his supervision,
11 and of all copies of every traffic citation which has been spoil-
12 ed or upon which any entry has been made and not issued.

13 d. The chief administrative officer shall also maintain or
14 cause to be maintained in connection with every traffic citation
15 issued by an officer under his supervision, a record of the dis-
16 position of the charge by the court or the traffic-violations
17 bureau where the original or copy of the traffic citation was
18 deposited.

19 e. It shall be unlawful and official misconduct for any
20 traffic-enforcement officer or other officer or public employee
21 to dispose of a traffic citation or copies thereof or of the
22 record of the issuance of the same in a manner other than as
23 required herein.

24 Sec. 18. ILLEGAL CANCELLATION OF TRAFFIC CITATION--AUDIT
25 OF CITATION RECORDS. a. Any person who cancels or solicits the
26 cancellation of any traffic citation, in any manner other than
27 as provided in this article, shall be guilty of a misdemeanor and
28 shall be punished by imprisonment for not more than six months,
29 or by a fine of not more than \$500.

1 b. Every record of traffic citations required by this Act
2 shall be audited annually by the appropriate fiscal officer of
3 the governmental agency to which the traffic-enforcement agency
4 is responsible.

5 c. The fiscal officer shall publish or cause to be pub-
6 lished a summary of all traffic citations issued by the traffic-
7 enforcement agency and the dispositions thereof in at least one
8 local daily newspaper of general circulation.

9 Sec. 19. WHEN A COPY OF A CITATION IS A LAWFUL COMPLAINT.
10 If a citation issued under provisions of Sec. 8 includes infor-
11 mation and is sworn to as required under the general laws of this
12 state respecting complaints, then the citation, when filed with
13 a court of competent jurisdiction is a lawful complaint for the
14 purpose of prosecution under the Traffic Code.

15 Sec. 20. EFFECTIVE DATE. This Act takes effect on the day
16 after its passage and approval or on the day it becomes law
17 without such approval.

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