

1 IN THE SENATE

BY RAY

2 SENATE BILL NO. 25

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 EIGHTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act providing for the issuance of a citation for
7 certain misdemeanors."

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

9 * Section 1. AS 12.25 is amended by adding new sections to read:

10 Sec. 12.25.180. WHEN PEACE OFFICER HAS OPTION TO TAKE PERSON
11 BEFORE JUDGE OR MAGISTRATE. When a person is arrested for the commission
12 of a misdemeanor or the violation of a municipal ordinance, he may, in
13 the discretion of the arresting peace officer, be issued a citation
14 instead of being taken before a judge or magistrate under sec. 150 of
15 this chapter, unless

16 (1) the person does not furnish satisfactory evidence of
17 identity or the arresting officer has reasonable and probable cause to
18 believe the person will disregard a written promise to appear in court;

19 (2) the arresting officer has reasonable and probable
20 cause to believe the person is a danger to himself or others;

21 (3) the crime for which the person is arrested is one
22 involving violence or harm to another person or to property; or

23 (4) the person asks to be taken before a judge or magistrate
24 under sec. 150 of this chapter.

25 Sec. 12.25.190. WHEN PERSON TO BE GIVEN FIVE-DAY NOTICE TO APPEAR
26 IN COURT. (a) When a person is arrested and the arresting peace officer
27 exercises the option provided for in sec. 180 of this chapter, the
28 officer shall prepare a written citation and issue it to the arrested
29 person.

1 (b) The time specified in the notice to appear shall be at least
2 five days after the alleged violation or the arrest, whichever is
3 later, unless the person arrested requests an earlier hearing.

4 (c) The person arrested for the crime shall give his written
5 promise to appear in court by signing at least one copy of the written
6 citation prepared by the peace officer and the officer shall deliver
7 a copy of the citation to the person.

8 Sec. 12.25.200. FORM FOR CITATIONS. The chief administrative
9 officer of each law enforcement agency in the state shall be responsible
10 for the issuance of books containing appropriate citations, and shall
11 maintain a record of each book and each citation contained in it and
12 shall require and retain a receipt for every book issued to a peace
13 officer.

14 Sec. 12.25.210. DISPOSTION AND RECORDS OF CITATIONS. (a) A
15 peace officer, upon issuing a citation to an alleged violator under
16 sec. 180 of this chapter, shall deposit the original or a copy of the
17 citation with a court having jurisdiction over the alleged offense.

18 (b) Upon the deposit of the original or a copy of the citation
19 with a court having jurisdiction over the alleged offense, the original
20 or copy of the citation may be disposed of only by trial in the court
21 or other official action by a magistrate or judge of the court.

22 (c) It is unlawful and official misconduct for a peace officer
23 or other officer or public employee to dispose of a citation or copies
24 of it or of the record of the issuance of the citation in a manner
25 other than as required in this section.

28 (d) The chief administrative officer of each law enforcement
29 agency shall require the return to him of a copy of every citation
issued by an officer under his supervision to an alleged violator of
a law or ordinance and of all copies of every citation which has been

1 spoiled or upon which any entry has been made and not issued to an
2 alleged violator.

3 (e) The chief administrative officer shall also maintain in
4 connection with every citation issued by an officer under his
5 supervision a record of the disposition of the charge by the court
6 in which the original or copy of the citation was deposited.

7 Sec. 12.25.220. WHEN COPY OF CITATION CONSIDERED A LAWFUL
8 COMPLAINT. If the form of citation provided under sec. 200 of this
9 chapter includes information and is sworn to as required under the
10 laws of this state in respect to a complaint charging commission of
11 the offense alleged in the citation, then the citation when filed
12 with a court having jurisdiction shall be considered to be a lawful
13 complaint for the purpose of prosecution.

14 Sec. 12.25.230. FAILURE TO OBEY CITATION. A person who violates
15 his written promise to appear given to a peace officer upon the
16 issuance of a citation under secs. 180 - 220 of this chapter, regard-
17 less of the disposition of the charge for which the citation was
18 issued, is guilty of a misdemeanor and upon conviction is punishable
19 by a fine of not more than \$1,000 or by imprisonment for not more
20 than one year, or by both.

21 * Sec. 2. AS 12.25.150(a) is amended to read:

22 (a) Except as otherwise provided in sec. 180 of this chapter,
23 [THE] the person arrested shall be taken before the judge or magistrate
24 without unnecessary delay, and in any event within 24 hours after his
25 arrest, including Sundays and holidays. This requirement shall apply
26 to municipal police officers to the same extent as it does to state
27 troopers.
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