

Offered: 2/23/84
Referred: Judiciary and
Finance

Original sponsors: Hayes and Liska

1 IN THE HOUSE BY THE RESOURCES COMMITTEE
2 CS FOR HOUSE BILL NO. 479 (Resources)
3 IN THE LEGISLATURE OF THE STATE OF ALASKA
4 THIRTEENTH LEGISLATURE - SECOND SESSION
5 A BILL
6 For an Act entitled: "An Act relating to the issuance of citations for the
7 violation of certain offenses within state park and
8 recreational facilities."
9 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:
10 * Section 1. AS 12.25.190(c) is amended to read:
11 (c) The person cited for the crime shall give a [HIS] written
12 promise to appear in court by signing at least one copy of the written
13 citation prepared by the peace officer and the officer shall deliver a
14 copy of the citation to the person. The written promise requirement
15 of this subsection does not apply to motor vehicle and traffic cita-
16 tions under AS 28.05.151 and citations issued in state park and re-
17 creational facilities under AS 41.21.960.
18 * Sec. 2. AS 41.21.955(b) is amended to read:
19 (b) Each person designated in (a) of this section may, when
20 enforcing the provisions of this chapter or a regulation adopted under
21 this chapter,
22 (1) execute a warrant or other process issued by an officer
23 or court of competent jurisdiction;
24 (2) administer or take an oath, affirmation or affidavit;
25 and
26 (3) arrest or issue a citation to a person who violates a
27 provision of this chapter or a regulation adopted under this chapter.
28 * Sec. 3. AS 41.21 is amended by adding a new section to read:
29 Sec. 41.21.960. FORM AND ISSUANCE OF CITATION. (a) When a

1 peace officer stops or contacts a person concerning the commission of
2 a misdemeanor offense committed within a park or recreational facility
3 subject to the department's supervision, the officer may issue a
4 citation to the person, subject to the provisions of AS 12.25.180 -
5 12.25.230. The person receiving the citation may not be required to
6 endorse the citation.

7 (b) After consultation with the Department of Natural Resources,
8 the state supreme court shall identify those offenses that are
9 amenable to disposition without court appearance and shall establish
10 by rule or order a schedule of bail amounts, not to exceed fines pres-
11 cribed by law, for those offenses. If the offense for which the cita-
12 tion is issued is one that may be disposed of without court appear-
13 ance, the citing officer shall write on the citation the amount of
14 bail applicable to the cited offense.

15 (c) A person cited for an offense for which a bail amount has
16 been established under (b) of this section may, within 15 days from
17 the date of the citation, mail or personally deliver to the clerk of
18 the court having jurisdiction over the place where the offense oc-
19 curred

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

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

25 (d) When bail has been forfeited under this section, a judgment
26 of conviction shall be entered. Bail forfeited under this section and
27 the forfeiture of items seized from the offender is a complete satis-
28 faction for the offense, and the clerk of the court shall provide the
29 offender with a receipt stating that fact.

1 (e) If the person cited fails to pay the bail amount or appear
2 in court as required, the citation shall be considered a summons for a
3 misdemeanor charge and the offender shall be proceeded against in the
4 manner prescribed by law.

5 (f) Notwithstanding other provisions of law, if a person cited
6 for a misdemeanor for which a bail amount has been established under
7 (b) of this section appears in court and is found guilty, the penalty
8 that is imposed for the offense may not exceed the bail amount for
9 that offense established under (b) of this section.