

Offered: 3/21/84
Referred: Rules

Original sponsors: Hayes and Liska

1 IN THE HOUSE

BY THE FINANCE COMMITTEE

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CS FOR HOUSE BILL NO. 479 (Finance)

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IN THE LEGISLATURE OF THE STATE OF ALASKA

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THIRTEENTH LEGISLATURE - SECOND SESSION

5

A BILL

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For an Act entitled: "An Act relating to the issuance of citations for the violation of certain offenses within state park and recreational facilities; and providing for an effective date."

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

11 * Section 1. AS 12.25.190(c) is amended to read:

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(c) The person cited for the crime shall give a [HIS] written promise to appear in court by signing at least one copy of the written citation prepared by the peace officer and the officer shall deliver a copy of the citation to the person. The written promise requirement of this subsection does not apply to motor vehicle and traffic citations under AS 28.05.151 and citations issued in state park and recreational facilities under AS 41.21.960.

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* Sec. 2. AS 41.21.955(b) is amended to read:

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(b) Each person designated in (a) of this section may, when enforcing the provisions of this chapter or a regulation adopted under this chapter,

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(1) execute a warrant or other process issued by an officer or court of competent jurisdiction;

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(2) administer or take an oath, affirmation or affidavit;

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and

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(3) arrest or issue a citation to a person who violates a provision of this chapter or a regulation adopted under this chapter.

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* Sec. 3. AS 41.21 is amended by adding a new section to read:

1 Sec. 41.21.960. FORM AND ISSUANCE OF CITATION. (a) When a
2 peace officer stops or contacts a person concerning the commission of
3 a misdemeanor offense committed within a park or recreational facility
4 subject to the department's supervision, the officer may issue a
5 citation to the person, subject to the provisions of AS 12.25.180 -
6 12.25.230. The person receiving the citation may not be required to
7 endorse the citation.

8 (b) The state supreme court shall identify those offenses that
9 are amenable to disposition without court appearance and shall estab-
10 lish by rule or order a schedule of bail amounts, not to exceed fines
11 prescribed by law, for those offenses. Before establishing or amend-
12 ing the schedule of bail amounts required by this subsection, the
13 supreme court shall appoint and consult with an advisory committee
14 consisting of two persons from the Department of Natural Resources,
15 two district court judges, one member of the House Resources Commit-
16 tee, and one member of the Senate Resources Committee of the legisla-
17 ture. If the offense for which the citation is issued is one that may
18 be disposed of without court appearance, the citing officer shall
19 write on the citation the amount of bail applicable to the cited
20 offense.

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

26 (1) the amount of bail indicated on the citation for that
27 offense; and

28 (2) a copy of the citation indicating the offender's waiver
29 of appearance, plea of no contest, and direction to forfeit the bail

1 and any items seized from the offender.

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

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

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

16 * Sec. 4. This Act takes effect immediately in accordance with AS 01.-
17 10.070(c).