

Introduced: 2/1/83
Referred: Resources and
Judiciary

1 IN THE SENATE

BY THE RULES COMMITTEE BY
REQUEST OF THE GOVERNOR

2

SENATE BILL NO. 101

3

IN THE LEGISLATURE OF THE STATE OF ALASKA

4

THIRTEENTH LEGISLATURE - FIRST SESSION

5

A BILL

6 For an Act entitled: "An Act relating to the issuance of citations for
7 fish and game violations."

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

9 * Section 1. AS 16.05 is amended by adding a new section to read:

10 Sec. 16.05.165. FORM AND ISSUANCE OF CITATION. (a) Notwith-
11 standing AS 16.05.160, when a peace officer stops or contacts a person
12 concerning a violation, of this chapter or of a regulation adopted un-
13 der this chapter, that is a misdemeanor, the peace officer may, in his
14 discretion, issue a citation to the person.

15 (b) After consultation with the division of fish and wildlife
16 protection of the Department of Public Safety, the supreme court shall
17 specify by rule or order those minor misdemeanors that are appropriate
18 for disposition without court appearance, and shall establish a sched-
19 ular of bail amounts. The maximum bail amount for an offense may not
20 exceed the maximum fine specified by law for that offense. If the
21 misdemeanor for which the citation is issued may be disposed of with-
22 out court appearance, the issuing peace officer shall write on the
23 citation the amount of bail applicable to the violation.

24 (c) A person cited for a misdemeanor for which a bail amount has
25 been established under (b) of this section may, within 15 days after
26 the date of the citation, mail or personally deliver to the clerk of
27 the court having jurisdiction over the place where the violation oc-
28 curred,

29 (1) the amount of bail indicated on the citation for that

1 offense; and

2 (2) a copy of the citation signed by the person indicating
3 that the right to an appearance is waived, a plea of no contest is en-
4 tered and the bail is forfeited.

5 (d) When bail has been forfeited under (c) of this section, a
6 judgment of conviction shall be entered. Forfeiture of bail and all
7 seized items is a complete satisfaction for the misdemeanor. The
8 clerk of the court accepting the bail shall provide the offender with
9 a receipt stating that fact.

10 (e) If the person cited fails to pay the bail amount established
11 under (b) of this section or to appear in court as required, the
12 citation is considered a summons for a misdemeanor.

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

18 * Sec. 2. AS 16.05.410 is amended by adding new subsections to read:

19 (f) Except as provided in (g) of this section, the provisions of
20 (a) -- (c) of this section do not apply when the offense for which the
21 person is convicted is a minor misdemeanor for which a forfeitable
22 bail amount has been set under AS 16.05.165.

23 (g) When a person has been convicted during a two year period of
24 two or more minor misdemeanor offenses for which a forfeitable bail
25 amount has been set under AS 16.05.165, a peace officer may petition
26 the district court to revoke the person's license. Once a petition
27 has been filed, the court shall set a time and date for a hearing on
28 the proposed license revocation, and shall send notice of the hearing
29 to the person. At the hearing the court shall hear evidence regarding

1 the nature and seriousness of the offenses for which the person was
2 convicted, the time period involved, the potential impact of the per-
3 son's actions upon the preservation of the resource, and other rele-
4 vant circumstances. If the court finds that the person's actions
5 demonstrate a disregard for the preservation of the state's fish or
6 wildlife resources, the court may revoke the person's license for a
7 period of not less than one year nor more than three years from the
8 date of revocation.