

Offered: 3/18/83
Referred: Judiciary

Original sponsor: Rules/Governor

1 IN THE SENATE BY THE RESOURCES COMMITTEE
2 CS FOR SENATE BILL NO. 101 (Resources)
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 the
14 officer's discretion, issue a citation to the person as provided in
15 AS 12.25.180.

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

25 (c) A person cited for a misdemeanor for which a bail amount has
26 been established under (b) of this section may, within 15 days after
27 the date of the citation, mail or personally deliver to the clerk of
28 the court in which the citation is filed by the peace officer

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

1 offense; and

2 (2) a copy of the citation indicating that the right to an
3 appearance is waived, a plea of no contest is entered and the bail is
4 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, the penalty
16 that is imposed for the offense may not exceed the bail amount for
17 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 misdemeanor for which a forfeitable bail
22 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 misdemeanor offenses for which a forfeitable bail amount
25 has been set under AS 16.05.165, a peace officer may file a civil
26 action in the district court to revoke the person's license. Once a
27 an action has been filed, the court shall set a time and date for a
28 hearing on the proposed license revocation, and shall send notice of
29 the hearing to the person. The hearing shall be before the court

1 without a jury; at the hearing the court shall hear evidence regarding
2 the nature and seriousness of the offenses for which the person was
3 convicted, the time period involved, the potential impact of the per-
4 son's actions upon the preservation of the resource, and other rele-
5 vant circumstances. If the court finds by a preponderance of the evi-
6 dence that the person's actions demonstrate a disregard for the pres-
7 ervation of the state's fish or wildlife resources, the court may re-
8 voke the person's license for a period of not less than one year nor
9 more than three years from the date of revocation.

10 * Sec. 3. AS 12.25.190(c) is amended to read:

11 (c) The person cited for the crime shall give [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 fish and game citations for which a bail
17 schedule has been established under AS 16.05.165.