Offered: 5/13/87
Referred: Finance

5-0599B

Original sponsor: Judiciary Committee
by request

1 IN THE HOUSE BY THE JUDICIARY COMMITTEE

2 CS FOR HOUSE BILL NO. 225 (Judiciary)

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 FIFTEENTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act relating to certain vehicle and traffic
7 offenses; citations for certain offenses; and provid-
8 ing for an effective date."

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 written promise
12 to appear in court by signing at least one copy of the written cita-
13 tion 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 for which a bail or fine schedule has been established under
17 AS 28.05.151, fish and game citations for which a bail schedule has
18 been established under AS 16.05.165, citations issued under AS 18.35.-
19 341, or [AND] citations issued in state park and recreational facil-
20 ities under AS 41.21.960.

21 * Sec. 2. AS 12.25 is amended by adding a new section to read:

22 Sec. 12.25.195. DISPOSITION OF SCHEDULED OFFENSES. (a) A
23 person cited for an offense for which a scheduled amount of bail or a
24 fine has been established may mail or personally deliver to the clerk
25 of the court with appropriate jurisdiction if a bailable offense, or
26 to the clerk of the municipality that issued the citation if a sched-
27 uled municipal fine, the amount of the bail or fine indicated on the
28 citation for the offense together with a copy of the citation signed
29 by the person indicating the person's waiver of court appearance,

1 entry of plea of no contest, and forfeiture of bail or fine. A motor
2 vehicle or traffic citation may be mailed or personally delivered
3 within five days of the date of the citation. A citation for a sched-
4 uled offense other than a motor vehicle or traffic citation may be
5 mailed or personally delivered within 15 days of the date of the
6 citation.
7 (b) When bail or a fine is forfeited under this section, a
8 judgment of conviction shall be entered. The bail or fine paid is
9 complete satisfaction for the offense.
10 * Sec. 3. AS 12.25.200 is amended by adding a new subsection to read:
11 (b) A citation issued under AS 12.25.180 must indicate the
12 amount of bail or fine applicable to the offense, the procedure a
13 person must follow in responding to the citation, and that if the
14 person fails to pay the bail or fine the person must appear in court.
15 In addition, a citation must indicate that the person has a right to
16 (1) a trial;
17 (2) engage counsel;
18 (3) confront and question witnesses;
19 (4) testify; and
20 (5) subpoena witnesses on the person's behalf.
21 * Sec. 4. AS 12.25.210(a) is amended to read:
22 (a) A peace officer, upon issuing a citation to an alleged
23 violator under AS 12.25.180, shall deposit the original or a copy of
24 the citation with a court having jurisdiction over the alleged
25 offense. <u>If the citation charges an offense under a municipal ordi-</u>
26 <u>nance for which a scheduled fine has been established, the peace offi-</u>
27 <u>cer shall deposit the original or a copy of the citation with the</u>
28 <u>clerk of the municipality that issued the citation, unless otherwise</u>
29 <u>provided under rule adopted by the supreme court.</u>

1 * Sec. 5. AS 12.25.230 is amended to read:

2 Sec. 12.25.230. FAILURE TO OBEY CITATION. Except as provided in
3 (b) of this section, a [A] person who fails to appear in court to
4 answer the citation, regardless of the disposition of the charge for
5 which the citation was issued, is guilty of a misdemeanor and upon
6 conviction is punishable by a fine of not more than $1,000, or by
7 imprisonment for not more than one year, or by both.

8 * Sec. 6. AS 12.25.230 is amended by adding new subsections to read:

9 (b) If a person is cited for an offense for which an amount of
10 scheduled bail or fine is established and fails to pay the bail or
11 fine, or appear in court, the citation shall be considered a summons
12 for a misdemeanor.

13 (c) If a person cited for an offense for which an amount of
14 scheduled bail or fine has been established appears in court and is
15 found guilty, the penalty imposed for the offense may not exceed the
16 bail or fine established for the offense.

17 * Sec. 7. AS 28.05.041(a) is amended to read:

18 (a) The commissioner shall prescribe and provide suitable appli-
19 cation forms, certificates of title and registration, driver's li-
20 censes and all other forms necessary to carry out the provisions of
21 this title and regulations adopted under this title, the adminis-
22 tration of which is vested in the department, including a standard
23 citation form which meets the requirements of AS 12.25.200 [AS 28.05.-
24 151] and which is in a form necessary to identify the offender and the
25 offense and otherwise necessary to meet the needs of the public safety
26 and the administration of justice as required under that section.

27 * Sec. 8. AS 28.05.151 is repealed and reenacted to read:

28 Sec. 28.05.151. CITATIONS FOR SCHEDULED VEHICLE AND TRAFFIC
29 OFFENSES. The supreme court shall determine by rule or order those

1 motor vehicle and traffic offenses, except for offenses subject to a
2 scheduled municipal fine, that are amenable to disposition without
3 court appearance and shall establish a scheduled amount of bail, not
4 to exceed fines prescribed by law, for each offense. A municipality
5 shall determine by ordinance the municipal motor vehicle and traffic
6 offenses that may be disposed without court appearance and shall
7 establish a fine schedule for each offense.
8 * Sec. 9. AS 28.15.191 is amended by adding a new subsection to read:
9 (f) A municipality that accepts a fine payment after a plea of
10 no contest to a charge of a violation of a municipal ordinance for
11 which a scheduled fine has been established shall forward a record of
12 the payment to the department; however, a conviction for a standing or
13 parking offense need not be reported.
14 * Sec. 10. AS 28.35.145(e) is amended to read:
15 (e) A vehicle owner, or in the case of a leased vehicle a
16 lessee, is guilty of an infraction as described in AS 28.40.050(d) and
17 may be punished by a fine [CIVIL PENALTY] not to exceed $100, if the
18 vehicle owned or leased by the person is operated in violation of this
19 section. The owner or lessee may not be penalized if the vehicle was
20 stolen, or the driver of the vehicle is convicted under (d) of this
21 section. This subsection does not apply to a lessor of a vehicle if
22 the lessor keeps a record of the name and address of the lessee. A
23 violation of this subsection may not result in the loss of a driver's
24 license or privilege to drive and does not constitute grounds for
25 assessment of demerit points under AS 28.15.221 - 28.15.261. This
26 subsection does not prohibit or limit the prosecution of a vehicle
27 driver for violating (a) or (b) of this section.
28 * Sec. 11. AS 29.25.070(a) is amended to read:
29 (a) For the violation of an ordinance, a municipality may by

1 ordinance prescribe a penalty not to exceed a fine of $1,000 and
2 imprisonment for 90 days. For a violation that cannot result in
3 incarceration or the loss of a valuable license, a municipality may
4 allow disposition of the violation without court appearance and estab-
5 lish a schedule of fine amounts for each offense.
6 * Sec. 12. This Act takes effect January 1, 1988.