

**HOUSE BILL NO. 551**

**IN THE LEGISLATURE OF THE STATE OF ALASKA**

**SEVENTEENTH LEGISLATURE - SECOND SESSION**

**BY THE HOUSE RULES COMMITTEE BY REQUEST OF THE GOVERNOR**

**Introduced: 2/19/92**

**Referred: Community & Regional Affairs, Judiciary**

**A BILL**

**FOR AN ACT ENTITLED**

1 "An Act requiring certain general law and home rule cities and unified municipalities to  
2 provide areawide prosecution services; relating to the authority of the attorney general to  
3 prosecute certain violations; and providing an effective date."

4 **BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:**

5 \* **Section 1.** AS 29.10.200 is amended by adding a new paragraph to read:

6 (51) AS 29.35.270 (mandatory prosecution powers).

7 \* **Sec. 2.** AS 29.35 is amended by adding a new section to article 4 to read:

8 Sec. 29.35.270. **MANDATORY PROSECUTION POWERS.** (a) A home rule or general  
9 law city, or a unified municipality shall provide areawide prosecution services, including  
10 incarceration and related offender transportation, for offenses specified in (b) of this section,  
11 arising within that city or unified municipality, unless

12 (1) the city or the unified municipality has a population of less than 10,000, as  
13 determined under AS 29.60.020; or

14 (2) the city is located within a borough that provides prosecution services in the

1 city as required by this section.

2 (b) In this section, "offense" means a violation of

3 (1) AS 14.30.010 and 14.30.020 ("compulsory school attendance");

4 (2) a statute, located in one of the following titles, establishing a crime for which  
5 the maximum sentence upon conviction is imprisonment of one year or less:

6 (A) AS 04 ("alcoholic beverages");

7 (B) AS 11 ("criminal law"); or

8 (C) AS 28 ("motor vehicle");

9 (3) a regulation adopted under AS 04 ("alcoholic beverages") or AS 28 ("motor  
10 vehicles"), interpreting a statute under which the maximum sentence upon conviction is  
11 imprisonment for one year or less;

12 (4) a city or municipal ordinance having elements substantially similar to an  
13 offense specified in (1) or (2) of this subsection.

14 \* Sec. 3. AS 29.60 is amended by adding a new section to read:

15 Sec. 29.60.372. WITHHOLDING OF MUNICIPAL ASSISTANCE. A distribution from  
16 the municipal assistance fund under AS 29.60.350 shall be reduced if the attorney general  
17 determines that the municipality has not, for the 12 months preceding the distribution, complied  
18 with the requirements of AS 29.35.270. The amount of the reduction is equal to the cost that the  
19 attorney general determines would have been necessary to undertake mandatory prosecution  
20 responsibilities, including incarceration and related offender transportation, of the home rule or  
21 general law city or unified municipality for the 12 months preceding the distribution.

22 \* Sec. 4. AS 44.23.020 is amended by adding a new subsection to read:

23 (c) The attorney general's prosecution authority under (b)(3) of this section is not limited  
24 by the prosecution authority of a home rule or general law city or a unified municipality under  
25 AS 29.35.270, based on the same conduct.

26 \* Sec. 5. This Act takes effect January 1, 1993.