

CS FOR HOUSE BILL NO. 319(JUD)

IN THE LEGISLATURE OF THE STATE OF ALASKA

EIGHTEENTH LEGISLATURE - SECOND SESSION

BY THE HOUSE JUDICIARY COMMITTEE

Offered: 2/23/94

Referred: Finance

Sponsor(s): REPRESENTATIVES PHILLIPS, MacLean, Sanders, Kott

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to the training of law enforcement and corrections officers; to
2 the establishment of surcharges to be assessed for violations of certain traffic
3 offenses; creating the Alaska police standards training fund; and providing for an
4 effective date."

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

6 * Section 1. FINDINGS AND PURPOSE. (a) The legislature finds that

7 (1) the Alaska Police Standards Council is an essential part of the law
8 enforcement training support network of the state and it warrants continued and predictable
9 support;

10 (2) rural and urban communities rely on dependable public safety protection;

11 (3) the law enforcement and corrections community of the state is greatly
12 strengthened by having a professionally trained network; and

13 (4) the safety of the public will be greatly improved by the establishment and
14 maintenance of an efficient training network for law enforcement and corrections officers.

1 (b) It is the purpose of this Act to

2 (1) enable the Alaska Police Standards Council to function in a manner that
3 enhances the performance and accountability of the council and the law enforcement and
4 corrections communities it serves;

5 (2) provide a stable funding source for law enforcement and corrections officer
6 training by establishing a surcharge to be assessed against violators of the traffic and motor
7 vehicle laws of the state.

8 * Sec. 2. AS 12.55 is amended by adding a new section to read:

9 Sec. 12.55.039. SURCHARGE. (a) In addition to any fine or other penalty
10 prescribed by law, a defendant who pleads guilty or nolo contendere to, forfeits bail
11 for, or is convicted of a violation of a vehicle or traffic offense under AS 28, a
12 regulation adopted under AS 28, or a municipal ordinance under AS 28.01.010 shall
13 be assessed a surcharge of

14 (1) \$10 if the violation is for other than a violation of AS 28.15.291,
15 AS 28.33.030, 28.33.031, AS 28.35.030, 28.35.032, 28.35.040, 28.35.060, or a
16 comparable municipal ordinance; or

17 (2) \$25 if the violation is a violation of AS 28.15.291, AS 28.33.030,
18 28.33.031, AS 28.35.030, 28.35.032, 28.35.040, 28.35.060, or a comparable municipal
19 ordinance.

20 (b) A court may not fail to impose the surcharge required under this section.
21 The surcharge may not be waived, deferred, or suspended.

22 (c) The surcharge shall be paid within 10 days of imposition or such shorter
23 period of time as ordered by the court. Failure to pay the surcharge is punishable as
24 contempt of court. Proceedings to collect the surcharge may be instituted by the state,
25 the municipality, or by the court on its own motion.

26 (d) Money collected under this section shall be deposited into the general fund
27 and accounted for under AS 37.05.142.

28 * Sec. 3. AS 18.65 is amended by adding a new section to read:

29 Sec. 18.65.225. ALASKA POLICE TRAINING FUND. The Alaska police
30 training fund is created in the general fund. The fund consists of appropriations made
31 by the legislature to the fund. The legislature may appropriate to the fund the annual

1 estimated balance in the account maintained under AS 37.05.142 for money collected
2 under AS 12.55.039 and AS 28.05.151. The legislature may make appropriations from
3 the fund to the Alaska Police Standards Council to provide training for the law
4 enforcement and corrections community of the state under AS 18.65.230. Nothing in
5 this section creates a dedicated fund.

6 * Sec. 4. AS 28.05.151 is amended by adding a new subsection to read:

7 (c) The supreme court shall require as a condition of the disposition of an
8 offense without appearance that a person charged with any offense for which a bail
9 forfeiture amount has been adopted shall pay a surcharge of \$10 in addition to the bail
10 forfeiture amount established by the supreme court. The surcharge required to be paid
11 under this subsection shall be deposited into the general fund and accounted for under
12 AS 37.05.142.

13 * Sec. 5. APPLICABILITY. The surcharge required to be assessed and collected under
14 AS 12.55.039 and AS 28.05.151 applies only to offenses and violations occurring after
15 June 30, 1994.

16 * Sec. 6. This Act takes effect July 1, 1994.