

**SENATE CS FOR CS FOR HOUSE BILL NO. 319(JUD)
IN THE LEGISLATURE OF THE STATE OF ALASKA
EIGHTEENTH LEGISLATURE - SECOND SESSION**

BY THE SENATE JUDICIARY COMMITTEE

**Offered: 4/27/94
Referred: Finance**

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

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; allowing defendants who are unable to pay the surcharge to perform
4 community work; creating the Alaska police standards training fund; and
5 providing for an effective date."

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

7 * Section 1. FINDINGS AND PURPOSE. (a) The legislature finds that
8 (1) the Alaska Police Standards Council is an essential part of the law
9 enforcement training support network of the state and it warrants continued and predictable
10 support;
11 (2) rural and urban communities rely on dependable public safety protection;
12 (3) the law enforcement and corrections community of the state is greatly
13 strengthened by having a professionally trained network; and

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

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

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

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

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

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

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

19 (2) \$25 if the violation is a violation of AS 28.15.291, AS 28.33.030,
20 28.33.031, AS 28.35.030, 28.35.032, 28.35.040, 28.35.060, or a comparable municipal
21 ordinance.

22 (b) A court may not fail to impose the surcharge required under this section.
23 The surcharge may not be waived, deferred, or suspended. A court may allow a
24 defendant who is unable to pay the surcharge required to be imposed under this section
25 to perform community work under AS 12.55.055(c) in lieu of the surcharge.

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

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

1 * **Sec. 3.** AS 12.55.055(c) is amended to read:

2 (c) The court may offer a defendant convicted of an offense the option of
3 performing community work in lieu of a fine, surcharge, or [A] portion of a fine or
4 surcharge if the court finds the defendant is unable to pay the fine. The value of
5 community work in lieu of a fine is \$3 [\$3.00] per hour.

6 * **Sec. 4.** AS 18.65 is amended by adding a new section to read:

7 Sec. 18.65.225. ALASKA POLICE TRAINING FUND. The Alaska police
8 training fund is created in the general fund. The fund consists of appropriations made
9 by the legislature to the fund. The legislature may appropriate to the fund the annual
10 estimated balance in the accounts maintained under AS 37.05.142 for money collected
11 under AS 12.55.039 and AS 28.05.151. The legislature may appropriate equal amounts
12 from the fund to the (1) Department of Public Safety for the Public Safety Training
13 Academy, and (2) Alaska Police Standards Council to provide training for the law
14 enforcement and corrections community of the state under AS 18.65.230. Nothing in
15 this section creates a dedicated fund.

16 * **Sec. 5.** AS 28.05.151 is amended by adding a new subsection to read:

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

23 * **Sec. 6.** APPLICABILITY. The surcharge required to be assessed and collected under
24 AS 12.55.039 and AS 28.05.151 applies only to offenses and violations occurring after
25 December 31, 1995.

26 * **Sec. 7.** This Act takes effect January 1, 1996.