

COMMITTEE REPORT  
HOUSE

(11)

FURTHER:

3/12/84

Date: 3-20-84

The Committee on FINANCE has had HB 479

"An Act relating to the issuance of citations for the violation of certain offenses within state park and recreational facilities."

under consideration and recommends:

- do pass  do not pass
- do pass with attached amendments(s)
- replace with CS for HB 479 (FINANCE)  same title  
 new title
- and recommends do pass
- AND attaches a "Letter of Intent"  New Fiscal Note
- reports it back without recommendation  Zero Fiscal Note Attached
- referred to the \_\_\_\_\_ Committee

MEMBERS SIGNING  
DO PASS

Albert B. Adams

Walt Fulwider

Ben ...

Paul ...

Milo H. Fritz

MEMBERS HAVING  
OTHER RECOMMENDATIONS:

[Signature]

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Albert B. Adams  
CHAIRMAN

STATE OF ALASKA 1984 LEGISLATIVE SESSION  
FISCAL NOTE

1-1-1

Revision Date: 3/6/84

REQUEST (JVD) FISCAL DETAIL  
 Bill/Resolution No.: CS for HB 479 Agency Affected: Natural Resources  
 Title: Bail Schedule Program Category Affected: Div of Parks  
 Sponsor: Hayes & Liska BRU, Program or Subprogram(s) Affected:  
 Requestor: 1/9/84 Park Management/Operations  
 Date of Request:

EXPENDITURES/REVENUES: (Thousands of Dollars)

	FY 84	FY 85	FY 86	FY 87	FY 88	FY 89
OPERATING						
100 PERSONAL SERVICES						
200 TRAVEL						
300 CONTRACTUAL						
400 SUPPLIES						
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS						
800 MISCELLANEOUS						
TOTAL OPERATING	-0-	-0-	-0-	-0-	-0-	-0-
CAPITAL	-0-	-0-	-0-	-0-	-0-	-0-
REVENUE	-0-	-0-	-0-	-0-	-0-	-0-

FUNDING: (Thousands of Dollars)

GENERAL FUND						
FEDERAL FUNDS						
OTHER						
TOTAL	-0-	-0-	-0-	-0-	-0-	-0-

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY	-0-	-0-	-0-	-0-	-0-	-0-

SOURCE OF FUNDS TO OFFSET FISCAL IMPACT OF BILL:

ANALYSIS: Attach a separate page for analysis

Prepared By: Mike Lee Phone: 264-2123  
 Division: Parks Date: 1/26/84

Approved by Commissioner: *William D. Donnell Deputy* Date: 3/6/84  
 Agency: Department of Natural Resources

Distribution (by Agency preparing fiscal note):  
 Legislative Finance  
 Legislative Sponsor  
 Requestor  
 Office of Management and Budget  
 Impacted Agency(ies)

12/1/83

Analysis of Fiscal Note for Bail Schedule legislation

Present System - Each person cited for a violation of a park regulation must go to court. If a Park Ranger cites an Anchorage person for a minor violation in Ninilchik, approximately ten days later the Ranger and the individual must attend the court session in Kenai. Both individuals spend at least one day in the Kenai court plus the cost of meals, lodging and transportation. These expenditures and inconveniences do not include the costs of a judge, court clerks, District Attorney and the correspondence necessary to document the case, which generally run \$300-400 for each arraignment.

Proposed System - A bail schedule would establish a predetermined fee for violation of regulations or statutes and the person would have the option of not contesting the citation and sending in the fee or challenge the violation and ask for a court appearance. It is anticipated that most people will elect not to challenge the citation and simply send in the fee. This would save money for the individual, the District Attorney's office, the courts and parks staff. The only cost we anticipate on this matter is for the printing of citation forms at an annual cost of \$1000.00 to \$2000.00. This is approximately what is spent on the existing citation program, so no real new costs should occur. Because of the savings in costs for the state, the individual, and more efficient management of our Park Rangers, the Bail Schedule will be a cost-effective program.

STATE OF ALASKA 1984 LEGISLATIVE SESSION  
FISCAL NOTE

Revision Date: \_\_\_\_\_

**REQUEST**

Bill/Resolution No.: CSHB 479 (JOD)  
 Title: "An act ... issuance of citations... within state parks."  
 Sponsor: Representative Hayes  
 Requestor: \_\_\_\_\_  
 Date of Request: \_\_\_\_\_

**FISCAL DETAIL**

Agency Affected: Public Safety  
 Program Category Affected: Administration of Justice  
 BRU, Program or Subprogram(s) Affected: Alaska State Troopers

**EXPENDITURES/REVENUES: (Thousands of Dollars)**

	FY 84	FY 85	FY 86	FY 87	FY 88	FY 89
<b>OPERATING</b>						
100 PERSONAL SERVICES						
200 TRAVEL						
300 CONTRACTUAL						
400 SUPPLIES						
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS						
800 MISCELLANEOUS						
<b>TOTAL OPERATING</b>	0.0	0.0	0.0	0.0	0.0	0.0
<b>CAPITAL</b>	0.0	0.0	0.0	0.0	0.0	0.0
<b>REVENUE</b>						

**FUNDING: (Thousands of Dollars)**

GENERAL FUND	0.0	0.0	0.0	0.0	0.0	0.0
FEDERAL FUNDS						
OTHER						
<b>TOTAL</b>						

**POSITIONS:**

FULL-TIME						
PART-TIME						
TEMPORARY						

**SOURCE OF FUNDS TO OFFSET FISCAL IMPACT OF BILL:**

ANALYSIS: Attach a separate page for analysis

Prepared By: Francis C. Allan *F.C.A. MCK* Phone: 269-5691  
 Division: Alaska State Troopers Date: 01/25/84

Approved by Commissioner: *[Signature]* Robert J. Sundberg Date: 1-31-84  
 Agency: Public Safety

Distribution (by Agency preparing fiscal note):

- Legislative Finance
- Legislative Sponsor
- Requestor
- Office of Management and Budget
- Impacted Agency(ies)

12/1/83

Original sponsors: Hayes and Liska

1 IN THE HOUSE

BY THE FINANCE COMMITTEE

2 CS FOR HOUSE BILL NO. 479 (Finance)

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 THIRTEENTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act relating to the issuance of citations for the  
7 violation of certain offenses within state park and  
8 recreational facilities; and providing for an effec-  
9 tive date."

10 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

11 \* Section 1. AS 12.25.190(c) is amended to read:

12 (c) The person cited for the crime shall give a [RIS] written  
13 promise to appear in court by signing at least one copy of the written  
14 citation prepared by the peace officer and the officer shall deliver a  
15 copy of the citation to the person. The written promise requirement  
16 of this subsection does not apply to motor vehicle and traffic cita-  
17 tions under AS 28.05.151 and citations issued in state park and re-  
18 creational facilities under AS 41.21.960.

19 \* Sec. 2. AS 41.21.955(b) is amended to read:

20 (b) Each person designated in (a) of this section may, when  
21 enforcing the provisions of this chapter or a regulation adopted under  
22 this chapter,

23 (1) execute a warrant or other process issued by an officer  
24 or court of competent jurisdiction;

25 (2) administer or take an oath, affirmation or affidavit;  
26 and

27 (3) arrest or issue a citation to a person who violates a  
28 provision of this chapter or a regulation adopted under this chapter.

29 \* Sec. 3. AS 41.21 is amended by adding a new section to read:

1           Sec. 41.21.960. FORM AND ISSUANCE OF CITATION. (a) When a  
2 peace officer stops or contacts a person concerning the commission of  
3 a misdemeanor offense committed within a park or recreational facility  
4 subject to the department's supervision, the officer may issue a  
5 citation to the person, subject to the provisions of AS 12.25.180 -  
6 12.25.230. The person receiving the citation may not be required to  
7 endorse the citation.

8           (b) The state supreme court shall identify those offenses that  
9 are amenable to disposition without court appearance and shall estab-  
10 lish by rule or order a schedule of bail amounts, not to exceed fines  
11 prescribed by law, for those offenses. Before establishing or amend-  
12 ing the schedule of bail amounts required by this subsection, the  
13 supreme court shall appoint and consult with an advisory committee  
14 consisting of two persons from the Department of Natural Resources,  
15 two district court judges, one member of the House Resources Commit-  
16 tee, and one member of the Senate Resources Committee of the legisla-  
17 ture. If the offense for which the citation is issued is one that may  
18 be disposed of without court appearance, the citing officer shall  
19 write on the citation the amount of bail applicable to the cited  
20 offense.

21           (c) A person cited for an offense for which a bail amount has  
22 been established under (b) of this section may, within 15 days from  
23 the date of the citation, mail or personally deliver to the clerk of  
24 the court having jurisdiction over the place where the offense oc-  
25 curred

26           (1) the amount of bail indicated on the citation for that  
27 offense; and

28           (2) a copy of the citation indicating the offender's waiver  
29 of appearance, plea of no contest, and direction to forfeit the bail

1 and any items seized from the offender.

2 (d) When bail has been forfeited under this section, a judgment  
3 of conviction shall be entered. Bail forfeited under this section and  
4 the forfeiture of items seized from the offender is a complete satis-  
5 faction for the offense, and the clerk of the court shall provide the  
6 offender with a receipt stating that fact.

7 (e) If the person cited fails to pay the bail amount or appear  
8 in court as required, the citation shall be considered a summons for a  
9 misdemeanor charge and the offender shall be proceeded against in the  
10 manner prescribed by law.

11 (f) Notwithstanding other provisions of law, if a person cited  
12 for a misdemeanor for which a bail amount has been established under  
13 (b) of this section appears in court and is found guilty, the penalty  
14 that is imposed for the offense may not exceed the bail amount for  
15 that offense established under (b) of this section.

16 \* Sec. 4. This Act takes effect immediately in accordance with AS 01.-  
17 10.070(c).

STATE OF ALASKA 1984 LEGISLATIVE SESSION  
FISCAL NOTE

Revision Date: \_\_\_\_\_

**REQUEST**

Bill/Resolution No.: CSHB 479(FIN)  
 Title: "An act ... issuance of citations... within state parks."  
 Sponsor: Representative Hayes  
 Requestor: Senate Resources  
 Date of Request: 4/2/84

**FISCAL DETAIL**

Agency Affected: Public Safety  
 Program Category Affected: Administration of Justice  
 BRU, Program or Subprogram(s) Affected: Alaska State Troopers

**EXPENDITURES/REVENUES: (Thousands of Dollars)**

	FY 84	FY 85	FY 86	FY 87	FY 88	FY 89
<b>OPERATING</b>						
100 PERSONAL SERVICES						
200 TRAVEL						
300 CONTRACTUAL						
400 SUPPLIES						
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS						
800 MISCELLANEOUS						
<b>TOTAL OPERATING</b>	0.0	0.0	0.0	0.0	0.0	0.0
<b>CAPITAL</b>	0.0	0.0	0.0	0.0	0.0	0.0
<b>REVENUE</b>						

**FUNDING: (Thousands of Dollars)**

GENERAL FUND	0.0	0.0	0.0	0.0	0.0	0.0
FEDERAL FUNDS						
OTHER						
<b>TOTAL</b>						

**POSITIONS:**

FULL-TIME						
PART-TIME						
TEMPORARY						

**SOURCE OF FUNDS TO OFFSET FISCAL IMPACT OF BILL:**

**ANALYSIS:** Attach a separate page for analysis

Prepared By: Francis C. Allan *F.C.A.* Phone: 269-5691  
 Division: Alaska State Troopers *MCK* Date: 03/28/84

Approved by Commissioner: Robert J. Sundberg Date: \_\_\_\_\_  
 Agency: Public Safety

Distribution (by Agency preparing fiscal note):

- Legislative Finance
- Legislative Sponsor
- Requestor
- Office of Management and Budget
- Impacted Agency(ies)

12/1/83

STATE OF ALASKA 1984 LEGISLATIVE SESSION  
FISCAL NOTE

115 111

Revision Date: \_\_\_\_\_

REQUEST

Bill/Resolution No.: CSHB 479 (JOD)  
 Title: "An act ... issuance of citations... within state parks."  
 Sponsor: Representative Hayes  
 Requestor: \_\_\_\_\_  
 Date of Request: \_\_\_\_\_

FISCAL DETAIL

Agency Affected: Public Safety  
 Program Category Affected: Administration of Justice  
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EXPENDITURES/REVENUES: (Thousands of Dollars)

	FY 84	FY 85	FY 86	FY 87	FY 88	FY 89
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100 PERSONAL SERVICES						
200 TRAVEL						
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600 LAND & STRUCTURES						
700 GRANTS, CLAIMS						
800 MISCELLANEOUS						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0
CAPITAL	0.0	0.0	0.0	0.0	0.0	0.0
REVENUE						

FUNDING: (Thousands of Dollars)

GENERAL FUND	0.0	0.0	0.0	0.0	0.0	0.0
FEDERAL FUNDS						
OTHER						
TOTAL						

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

SOURCE OF FUNDS TO OFFSET FISCAL IMPACT OF BILL:

ANALYSIS: Attach a separate page for analysis

Prepared By: Francis C. Allan *F.C.A. mck* Phone: 269-5691  
 Division: Alaska State Troopers Date: 01/25/84

Approved by Commissioner: *RF* Robert J. Sundberg Date: 1-31-84  
 Agency: Public Safety

Distribution (by Agency preparing fiscal note):

- Legislative Finance
- Legislative Sponsor
- Requestor
- Office of Management and Budget
- Impacted Agency(ies)

12/1/83

Fact Sheet on Bail Legislation

The State Division of Parks is proposing legislation which would allow the Supreme Court to set a bail forfeiture schedule for violations of State Statutes and Alaska Administrative Codes which apply to State Parks.

1. Why is a bail schedule for violation of park regulations necessary?

At the present time any citation issued for violation of State Park Regulations means a mandatory court appearance -- usually in the court nearest where the violation occurs. This means that a person -- perhaps an Anchorage resident -- who receives a citation for exploding fireworks in a Kenai Peninsula park, must return to Kenai to make the mandatory appearance.

2. What does the court system think about the problem?

The courts are very crowded. Presently they must schedule time to see each individual regardless of how he/she intends to plead. On small violations this is an obvious waste of time to all parties.

3. Why is this legislation needed?

Under present law a bail schedule for violations is only allowed for traffic regulations. This new legislation would allow and instruct the Supreme Court to set a bail schedule for violation of park regulations.

4. Would a bail schedule eliminate court appearances in all cases?

No, the park ranger/peace officer issuing the citation could still summon an individual to a mandatory court appearance if the violation were of unusual significance. Any individual could still plead not guilty and request a court appearance.

5. Is this new for Alaska?

No, the most notable example is the bail schedule for traffic violations. Traffic court would be literally overwhelmed without this help. The Fish & Wildlife Protection Division is also requesting legislation for a bail schedule on fish and game violations.

6. Does the Federal Government have a bail schedule?

Yes, the National Park Service has a bail schedule which they revised in 1982 and will revise again in the fall of 1983. The attached schedule includes such items as: camping over the time limit - \$100.00; pets not on leash - \$50.00; fireworks - \$50.00, etc. The U.S. Fish & Wildlife Service has a very similar schedule and they say it saves the public a great deal of money in travel costs (to and from court) alone.

7. Would a bail schedule be favored by the Department of Natural Resources/Division of Parks?

Yes, park enforcement people need to retain descretionary authority to use the bail schedule or cite into court, but they, too, would be able to spend a great deal more time in the field if they were not tied up in court appearances. Additionally, fewer court appearances would result, thus helping to alleviate the glut of work facing the Alaska Court System and unnecessary demands upon state park rangers.

DENALI NATIONAL PARK AND PRESERVE  
BAIL SCHEDULE Revised 11/82

PART 2 - PUBLIC USE AND RECREATION

2.1 ABANDONED PROPERTY

Superseded by 36CFR 13.22  
and 36CFR 13.63(c)

2.2 AIRCRAFT

(a) Superseded by 36CFR 13.13  
(b) Air Drop \$100.00  
(c) Operate in accordance with  
current FAA regulations Court

2.3 AUDIO DEVICES

(a) Operation of any noisy device \$ 50.00  
(b) Public address system \$ 50.00  
(c) Aerials \$ 25.00

2.4 BEGGING AND SOLICITING

(a) Begging \$ 50.00  
(b) Hitchhiking \$ 50.00  
(c) Commercial soliciting \$ 50.00

2.5 CAMPING

(a) Superseded by 36CFR 13.18(a)  
and 36CFR 13.63(b)  
(b) Superseded by 36CFR 13.18(a)  
and 36CFR 13.63(b)  
(c) Camping over designated time  
limit \$100.00  
(d) Permanent camping facilities \$100.00  
(e) Digging or leveling campsite \$100.00  
(f) Failure to clean and clear site  
before departure  
--Failure to remove camping equipment \$ 50.00  
--Leaving camp refuse in exposed or  
unsanitary condition \$100.00  
(g) Camping within 25 ft. of water,  
main road, hydrant \$ 25.00  
(h) Base camp for hunting \$250.00  
(i) Quiet hours (10 PM to 6 AM) \$ 25.00  
(j) Former Mt. McKinley National Park:  
Wood gathering (not dead and down) \$100.00  
(j) Lands in 12/2/80 Additions:  
Superseded by 36CFR 13.20(b)(4)

2.6 CLOSURES/PUBLIC USE LIMITS

(a)(2) Failure to observe closed  
areas/visiting hours \$ 50.00  
(b)(4) Entry into area without permit,  
registration, or reservation \$ 50.00  
(b)(5) Entry into area in violation of  
posted restrictions \$ 50.00

- (d) Throwing or dropping a lighted cigarette, match, or other burning material, etc. \$150.00
- (e) Smoking in areas closed to smoking \$ 50.00
- (f) Starting a fire in areas closed to fires \$ 50.00

E

RECEIVED  
FEBRUARY 22 1961

02034 ANCHORAGE AK 117 02-22 935A AST

PMS REP JOHN RINGSTAD

POUCH U

JUNEAU AK

STRONGLY URGE YOUR FAVORABLE PASSAGE OF CSNB479 (HAYES LISKA,  
ORIGINAL SPONSORS) AND HB486 (BETTINSORTH). THE FIRST BILL  
ALLOWS A FINE SCHEDULE FOR MINOR PARK REGULATION VIOLATIONS  
AND THUS SAVES PARK RANGER TIME AND HELPS UNCLOG COURTS.  
THE SECOND SIMPLY ALLOWS THE DIVISION OF PARKS AND OUTDOOR  
RECREATION TO CHARGE FEES. AN AMENDMENT RESTRICTING THE  
PROGRAM TO DEVELOP CAMPGROUNDS, TOURS OF HISTORIC SITES AND  
FOR PUBLIC USE CABINS IS ACCEPTABLE. THIS BILL WILL ALLOW  
OPENING OF WICKERSHAM HOUSE, PRIVATE CONCESSION OPERATION OF  
CERTAIN FACILITIES AND THE GENERATION OF REVENUE INTO THE  
GENERAL FUND, THUS REDUCING GOVERNMENT SUBSIDY OF CERTAIN  
EXPENSE RECREATION FACILITIES. NO CHARGES WOULD BE ESTABLISHED  
FOR THE MORE COMMON ACTIVITIES IN STATE PARKS.

THANK YOU.

NEIL C JOHANNSEN, DIRECTOR  
DIVISION OF PARKS AND OUTDOOR RECREATION  
DEPT OF NATURAL RESOURCES

1961 FEB 22 AM 10 08

DEPARTMENT OF PUBLIC SAFETY

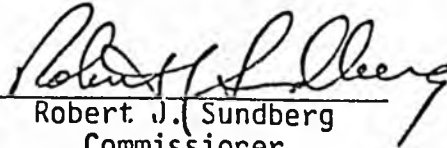
POSITION PAPER - HB 479

Support

January 25, 1984

HB 479 - "An Act relating to issuance of citations ... within state parks and recreational facilities."

By allowing officers in the Department of Natural Resources to issue citations, the Alaska State Troopers and other law enforcement agencies are relieved of a responsibility that they have never been staffed to do properly.

  
Robert J. Sundberg  
Commissioner

STATE OF ALASKA 1984 LEGISLATIVE SESSION  
FISCAL NOTE

HB 179

Revision Date: 3/6/84

REQUEST

Bill/Resolution No.: CS for HB 479  
Title: Rail Schedule

FISCAL DETAIL

Agency Affected: Natural Resources  
Program Category Affected: Div. of Parks

Sponsor: Hayes & Liska  
Requestor: 1/9/84  
Date of Request:

BRU, Program or Subprogram(s) Affected:  
Park Management/Operations

EXPENDITURES/REVENUES: (Thousands of Dollars)

	FY 84	FY 85	FY 86	FY 87	FY 88	FY 89
OPERATING						
100 PERSONAL SERVICES						
200 TRAVEL						
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TOTAL OPERATING	-0-	-0-	-0-	-0-	-0-	-0-
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FUNDING: (Thousands of Dollars)

GENERAL FUND						
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TOTAL	-0-	-0-	-0-	-0-	-0-	-0-

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY	-0-	-0-	-0-	-0-	-0-	-0-

SOURCE OF FUNDS TO OFFSET FISCAL IMPACT OF BILL:

ANALYSIS: Attach a separate page for analysis

Prepared By: Mike Lee Phone: 264-2123  
Division: Parks Date: 1/26/84

Approved by Commissioner: *William D. Bennett, Deputy* Date: 3/6/84  
Agency: Department of Natural Resources

Distribution (by Agency preparing fiscal note):

- Legislative Finance
- Legislative Sponsor
- Requestor
- Office of Management and Budget
- Impacted Agency(ies)

12/1/83

## Analysis of Fiscal Note for Bail Schedule legislation

Present System - Each person cited for a violation of a park regulation must go to court. If a Park Ranger cites an Anchorage person for a minor violation in Ninilchik, approximately ten days later the Ranger and the individual must attend the court session in Kenai. Both individuals spend at least one day in the Kenai court plus the cost of meals, lodging and transportation. These expenditures and inconveniences do not include the costs of a judge, court clerks, District Attorney and the correspondence necessary to document the case, which generally run \$300-400 for each arraignment.

Proposed System - A bail schedule would establish a predetermined fee for violation of regulations or statues and the person would have the option of not contesting the citation and sending in the fee or challenge the violation and ask for a court appearance. It is anticipated that most people will elect not to challenge the citation and simply send in the fee. This would save money for the individual, the District Attorney's office, the courts and parks staff. The only cost we anticipate on this matter is for the printing of citation forms at an annual cost of \$1000.00 to \$2000.00. This is approximately what is spent on the existing citation program, so no real new costs should occur. Because of the savings in costs for the state, the individual, and more efficient management of our Park Rangers, the Bail Schedule will be a cost-effective program.

STATE OF ALASKA 1984 LEGISLATIVE SESSION  
FISCAL NOTE

HB 479

Revision Date: 1/26/84

REQUEST  
Bill/Resolution No.: HB 479  
Title: Bail Schedule

FISCAL DETAIL  
Agency Affected: Natural Resources  
Program Category Affected: Div. of Parks

Sponsor: \_\_\_\_\_  
Requestor: Hayes & Liska  
Date of Request: 1/9/84

BRU, Program or Subprogram(s) Affected:  
Park Management/Operations

EXPENDITURES/REVENUES: (Thousands of Dollars)

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SOURCE OF FUNDS TO OFFSET FISCAL IMPACT OF BILL:

ANALYSIS: Attach a separate page for analysis

Prepared By: Mike Lee Phone: 264-2123  
Division: Parks Date: 1/26/84

Approved by Commissioner: Wm D Arnold, Deputy Date: 1/30/84  
Agency: Department of Natural Resources

Distribution (by Agency preparing fiscal note):

- Legislative Finance
- Legislative Sponsor
- Requestor
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12/1/83

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Offered: 3/12/84  
Referred: Finance

Original sponsors: Hayes and Liska

1 IN THE HOUSE BY THE JUDICIARY COMMITTEE

2 CS FOR HOUSE BILL NO. 479 (Judiciary)

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 THIRTEENTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act relating to the issuance of citations for the  
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20 enforcing the provisions of this chapter or a regulation adopted under  
21 this chapter,

22 (1) execute a warrant or other process issued by an officer  
23 or court of competent jurisdiction;

24 (2) administer or take an oath, affirmation or affidavit;  
25 and

26 (3) arrest or issue a citation to a person who violates a  
27 provision of this chapter or a regulation adopted under this chapter.

28 \* Sec. 3. AS 41.21 is amended by adding a new section to read:

29 Sec. 41.21.960. FORM AND ISSUANCE OF CITATION. (a) When a

1 peace officer stops or contacts a person concerning the commission of  
2 a misdemeanor offense committed within a park or recreational facility  
3 subject to the department's supervision, the officer may issue a  
4 citation to the person, subject to the provisions of AS 12.25.180 -  
5 12.25.230. The person receiving the citation may not be required to  
6 endorse the citation.

7 (b) The state supreme court shall identify those offenses that  
8 are amenable to disposition without court appearance and shall  
9 establish by rule or order a schedule of bail amounts, not to exceed  
10 fines prescribed by law, for those offenses. Before establishing or  
11 amending the schedule of bail amounts required by this subsection, the  
12 supreme court shall appoint and consult with an advisory committee  
13 consisting of two persons from the Department of Natural Resources,  
14 two district court judges, and two members of the House Resources  
15 Committee of the legislature. If the offense for which the citation  
16 is issued is one that may be disposed of without court appearance, the  
17 citing officer shall write on the citation the amount of bail appli-  
18 cable to the cited offense.

19 (c) A person cited for an offense for which a bail amount has  
20 been established under (b) of this section may, within 15 days from  
21 the date of the citation, mail or personally deliver to the clerk of  
22 the court having jurisdiction over the place where the offense oc-  
23 curred

24 (1) the amount of bail indicated on the citation for that  
25 offense; and

26 (2) a copy of the citation indicating the offender's waiver  
27 of appearance, plea of no contest, and direction to forfeit the bail  
28 and any items seized from the offender.

29 (d) When bail has been forfeited under this section, a judgment

Offered: 2/23/84  
Referred: Judiciary and  
Finance

Original sponsors: Hayes and Liska

1 IN THE HOUSE BY THE RESOURCES COMMITTEE  
2 CS FOR HOUSE BILL NO. 479 (Resources)  
3 IN THE LEGISLATURE OF THE STATE OF ALASKA  
4 THIRTEENTH LEGISLATURE - SECOND SESSION  
5 A BILL  
6 For an Act entitled: "An Act relating to the issuance of citations for the  
7 violation of certain offenses within state park and  
8 recreational facilities."  
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 [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 citations issued in state park and re-  
17 creational facilities under AS 41.21.960.  
18 \* Sec. 2. AS 41.21.955(b) is amended to read:  
19 (b) Each person designated in (a) of this section may, when  
20 enforcing the provisions of this chapter or a regulation adopted under  
21 this chapter,  
22 (1) execute a warrant or other process issued by an officer  
23 or court of competent jurisdiction;  
24 (2) administer or take an oath, affirmation or affidavit;  
25 and  
26 (3) arrest or issue a citation to a person who violates a  
27 provision of this chapter or a regulation adopted under this chapter.  
28 \* Sec. 3. AS 41.21 is amended by adding a new section to read:  
29 Sec. 41.21.960. FORM AND ISSUANCE OF CITATION. (a) When a

1 peace officer stops or contacts a person concerning the commission of  
2 a misdemeanor offense committed within a park or recreational facility  
3 subject to the department's supervision, the officer may issue a  
4 citation to the person, subject to the provisions of AS 12.25.180 -  
5 12.25.230. The person receiving the citation may not be required to  
6 endorse the citation.

7 (b) After consultation with the Department of Natural Resources,  
8 the state supreme court shall identify those offenses that are  
9 amenable to disposition without court appearance and shall establish  
10 by rule or order a schedule of bail amounts, not to exceed fines pres-  
11 cribed by law, for those offenses. If the offense for which the cita-  
12 tion is issued is one that may be disposed of without court appear-  
13 ance, the citing officer shall write on the citation the amount of  
14 bail applicable to the cited offense.

15 (c) A person cited for an offense for which a bail amount has  
16 been established under (b) of this section may, within 15 days from  
17 the date of the citation, mail or personally deliver to the clerk of  
18 the court having jurisdiction over the place where the offense oc-  
19 curred

20 (1) the amount of bail indicated on the citation for that  
21 offense; and

22 (2) a copy of the citation indicating the offender's waiver  
23 of appearance, plea of no contest, and direction to forfeit the bail  
24 and any items seized from the offender.

25 (d) When bail has been forfeited under this section, a judgment  
26 of conviction shall be entered. Bail forfeited under this section and  
27 the forfeiture of items seized from the offender is a complete satis-  
28 faction for the offense, and the clerk of the court shall provide the  
29 offender with a receipt stating that fact.

1           (e) If the person cited fails to pay the bail amount or appear  
2 in court as required, the citation shall be considered a summons for a  
3 misdemeanor charge and the offender shall be proceeded against in the  
4 manner prescribed by law.

5           (f) Notwithstanding other provisions of law, if a person cited  
6 for a misdemeanor for which a bail amount has been established under  
7 (b) of this section appears in court and is found guilty, the penalty  
8 that is imposed for the offense may not exceed the bail amount for  
9 that offense established under (b) of this section.

Introduced: 1/9/84  
Referred: Resources, Judiciary  
and Finance

1 IN THE HOUSE

BY HAYES AND LISKA

2

HOUSE BILL NO. 479

3

IN THE LEGISLATURE OF THE STATE OF ALASKA

4

THIRTEENTH LEGISLATURE - SECOND SESSION

5

A BILL

6

For an Act entitled: "An Act relating to the issuance of citations for the  
7 violation of certain offenses within state park and  
8 recreational facilities."

9

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

10

\* Section 1. AS 41.21 is amended by adding a new section to read:

11

Sec. 41.21.960. FORM AND ISSUANCE OF CITATION. (a) When a

12

person is arrested or cited for the commission of an offense that is a  
13 misdemeanor committed within a park or recreational facility subject  
14 to the department's supervision, the arresting or citing officer  
15 shall, except when otherwise required by law or the immediate circum-  
16 stances, issue a citation to the person arrested or cited. The person  
17 receiving the citation may not be required to endorse the citation.

18

(b) The state supreme court shall determine by rule or order

19

those offenses that are amenable to disposition without court appear-

20

ance and shall establish a schedule of bail amounts, not to exceed

21

finances prescribed by law, for each offense. If the offense for which

22

the citation is issued is one that may be disposed of without court

23

appearance, the citing officer shall write on the citation the amount

24

of bail applicable to the cited offense.

25

(c) A person cited for an offense for which a bail amount has

26

been established under (b) of this section, may, within 15 days from

27

the date of the citation, mail or personally deliver to the clerk of

28

the court having jurisdiction over the place where the offense oc-

29

curred

1           (1) the amount of bail indicated on the citation for that  
2 offense; and

3           (2) a copy of the citation signed by the offender indicat-  
4 ing the offender's waiver of appearance, plea of no contest, and  
5 direction to forfeit the bail and items seized from the offender.

6           (d) When bail has been forfeited under this section, a judgment  
7 of conviction shall be entered. Bail forfeited under this section and  
8 the forfeit of items seized from the offender is a complete satisfac-  
9 tion for the offense, and the offender shall be given a receipt stat-  
10 ing that fact.

11           (e) If the person cited fails to pay the bail amount or appear  
12 in court as required, the citation shall be considered a summons as  
13 for a charge of a misdemeanor and the offender shall be proceeded  
14 against in the manner prescribed by law. However, the maximum penalty  
15 that may be imposed for the original offense may not exceed the bail  
16 amount for that offense set out in the schedule of bail amounts as  
17 determined by the supreme court under (b) of this section.