

HB

225



STATE OF ALASKA  
THE LEGISLATURE

POUCH Y - STATE CAPITOL  
JUNEAU, ALASKA 99811  
907-465-3800

LEGISLATIVE AFFAIRS AGENCY  
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May, 1988

Copies of minutes listed below were originally included in this file. The minutes are available on the STAIRS database CMPR. In order to save space copies of minutes have not been left in the files.

Mary Van Nimwegen

House C+RA 4-29-87 3:00 p.m.

BILL: HB 225

05:39 PM 03/30/87

NAME:

TITLE: "AN ACT RELATING TO CITATIONS FOR VEHICLE AND TRAFFIC  
OFFENSES."

PRIME SPONSOR: JUDICIARY COMMITTEE

BY REQ

CURRENT STATUS: (H) CRA

STATUS DATE: 03/27/87

03/27/87 (H)

657

READ THE FIRST TIME -- REFERRAL(S)

03/27/87 (H)

657

C&RA, JUDICIARY, FINANCE



HOUSE COMMITTEE REPORT

HB 225

(5)

Date referred: 3/27/87

FURTHER REFERRALS: Judiciary Finance

DATE: 04/29/87

The Community and Regional Affairs Committee has considered HB 225

"An Act relating to citations for vehicle and traffic offenses."

r

RECOMMENDS:

- [ ] replace with [ ] the same title
[ ] attached amendment(s) [ ] a new title
[XXX] do pass
[ ] do not pass
[ ] no recommendation
[ ] individual recommendations
[ ] additional referral to the Committee

ADOPTS: [ ] letter of intent

ATTACHES NEW FISCAL NOTE(S):

- [ ] fiscal impact [ ] same as previous fiscal note published
[ ] zero fiscal note [ ] same as previous zero fiscal note published
[XXX] zero with analysis

SIGNING DO PASS:

SIGNING OTHER RECOMMENDATIONS:

Handwritten signatures of Cato, Zawacki, and Springer on the left side of the page.

Springer

Chairman's signature

BILL WORKSHEET

Bill #: HB  
Date Sched.: HCRA Committee,  
Title: "An Act relating to  
Sponsors: Rep.

- Info Attached:
- 1. Copy of Bill
  - 2. Sectional analysis
  - 3. Correspondence from K. Forsythe, Court system counsel
  - 4. Correspondence from K. Forsythe (background, bill copy, sectional analysis, revenue estimate)
  - 5. Fiscal Note - court system

**Sponsor's Briefing, Intent/purpose:**

Court system personnel currently perform a clerical and accounting function for municipalities in the case of motor vehicle and traffic citations. The citations at issue are those issued by municipal officers and those contravening local ordinances; they are those which are resolved by a no contest plea and never reach court.

Processing these citations consists of accepting payment from a defendant either in person or by mail. In the case of no response or a not guilty plea by the defendant, court action is taken.

The proposed process, whereby municipal clerks handle clerical and accounting functions and forward actionable cases to the court is currently in place in Juneau.

Courts would divert resources currently used on these citations to such areas as pre-trial screenings and "other functions which would benefit both the state and localities".

**Effect of Bill:**

Additional clerical expenses would face municipalities if this bill becomes law. Smaller cities without the capability to process citations would have to demonstrate that the system as a whole would benefit from retaining this function within the court system in order to be exempted from provisions of this bill.

**Fiscal Impact:**  
0 (Zero)

**Proponents:**  
Alaska Unified Court System

**Opponents:**

**Analysis of Bill's effect, by staff:**  
See above

**Committee Report:**

⑤ HB225

STATE OF ALASKA 1987 LEGISLATIVE SESSION  
FISCAL NOTE

**REQUEST:** \_\_\_\_\_ Bill Version: HB 225  
Publish Date: \_\_\_\_\_

Revision Date: \_\_\_\_\_ Agency Affected: Alaska Court System  
Title: An act relating to citations BRU: Trial Courts  
for vehicle and traffic offenses  
Sponsor: Judiciary Committee Components: \_\_\_\_\_  
Requestor: Community & Regional Affairs

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

OPERATING	FY 87	FY 88	FY 89	FY 90	FY 91	FY 92
Personal Services	. . . .	. . . .	. . . .	. . . .	. . . .	. . . .
Travel	. . . .	. . . .	. . . .	. . . .	. . . .	. . . .
Contractual	. . . .	. . . .	. . . .	. . . .	. . . .	. . . .
Supplies	. . . .	. . . .	. . . .	. . . .	. . . .	. . . .
Equipment	. . . .	. . . .	. . . .	. . . .	. . . .	. . . .
Land & Structures	. . . .	. . . .	. . . .	. . . .	. . . .	. . . .
Grants & Claims	. . . .	. . . .	. . . .	. . . .	. . . .	. . . .
<b>TOTAL OPERATING</b>	0.0	0.0	0.0	0.0	0.0	0.0
<b>CAPITAL</b>	. . . .	. . . .	. . . .	. . . .	. . . .	. . . .
<b>REVENUE</b>	. . . .	. . . .	. . . .	. . . .	. . . .	. . . .

**FUNDING:** (Thousands of Dollars)

General Funds	0.0	0.0	0.0	0.0	0.0	0.0
Federal Funds	. . . .	. . . .	. . . .	. . . .	. . . .	. . . .
Other	. . . .	. . . .	. . . .	. . . .	. . . .	. . . .
<b>TOTAL</b>	0.0	0.0	0.0	0.0	0.0	0.0

**POSITIONS:**

Full-time	. . . .	. . . .	. . . .	. . . .	. . . .	. . . .
Part-time	. . . .	. . . .	. . . .	. . . .	. . . .	. . . .
Temporary	. . . .	. . . .	. . . .	. . . .	. . . .	. . . .

**ANALYSIS:** (Attach a separate page if necessary)

No fiscal impact.

Prepared by: Karla Forsythe, General Counsel Phone: 264-8228  
Division: Alaska Court System Date: 4-28-87

Approved by: *Stephanie J. Cole* Stephanie J. Cole, Deputy Director Date: 4-28-87  
Agency: Alaska Court System

- Distribution (by preparer):  
 Legislative Finance  
 Legislative Sponsor  
 Requestor  
 Office of Management & Budget  
 Impacted Agency(ies)  
 Senate Secretary



# Alaska Court System

State of Alaska

303 "K" STREET  
ANCHORAGE, ALASKA  
99501

ARTHUR H. SNOWDEN II  
ADMINISTRATIVE DIRECTOR

(907) 274-8611

April 2, 1987

Representative Heinrich Springer  
Chair, House Community and Regional  
Affairs Committee  
Alaska State Legislature  
P.O. Box V  
Juneau, Alaska 99811

Dear Representative Springer:

I am writing to provide background about HB 225, which was introduced at the request of the Alaska Court System. This bill would require municipalities to process uncontested traffic citations issued by their enforcement officers.

In most court locations, citations issued by state enforcement officials and also by municipal enforcement officials are filed with courts. Many of these citations are resolved by a bail forfeiture and plea of no contest. Processing consists of accepting payment from a defendant, either in person or by mail. If a defendant wishes to plead not guilty, a court trial is scheduled. If a defendant does not respond to the citation, a bench warrant or an order to show cause must be issued. However, the vast majority of these matters are resolved by the forfeited payment, without a court appearance.

If an offense is cited under provisions of state law, the resulting fine or forfeiture is paid to the general fund of the State of Alaska. However, under AS 22.15.270, forfeitures resulting from violations of ordinances of municipalities are returned to the political subdivision.

As a practical consequence, this means that court staff, who are funded by the state, perform what is essentially an accounting function for municipalities. The court system proposes that municipalities take over the responsibility for processing these uncontested citation payments. This procedure is currently in place in Juneau, based on a voluntary agreement between the Juneau court and Juneau enforcement officials, and works quite effectively.

Representative Heinrich Springer  
April 2, 1987  
Page Two

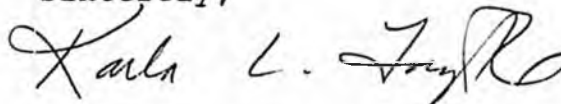
This procedure would benefit the courts, because resources now devoted to processing these payments could be focused on other functions which would benefit both the state and localities, such as pre-trial screening to determine which defendants are able to bear the costs of counsel appointed at public expense. Stepped-up efforts by the court to screen these defendants would result in decreased costs to municipalities because of the decreased burden of paying for costs of defense.

Municipalities would also benefit by assuming direct control over this process. Along these lines, the court system would not object to a provision authorizing municipalities to enact mail-in fine schedules. This would give municipalities the ability to determine appropriate fine payments in conjunction with specific enforcement goals, instead of relying on the supreme court to adopt bail forfeiture schedules.

Some smaller political subdivisions may not have the capability to process these citations. If a municipality can demonstrate that the system as a whole will benefit from retaining this function within the court system, the court system would continue to process these citations for that municipality. It is anticipated that this exemption would apply primarily to outlying communities which issue very few traffic citations.

I hope this information is helpful to the committee. I have also attached a sectional analysis of the bill. If I can provide additional background, please let me know.

Sincerely,



Karla L. Forsythe  
Staff Counsel

c: Representative Cato  
Representative Herrmann  
Representative Collins  
Representative Zawacki  
Arthur H. Snowden, II

1 IN THE HOUSE

BY THE JUDICIARY COMMITTEE  
BY REQUEST

2

HOUSE BILL NO. 225

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 citations for vehicle and traffic  
7 offenses."

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

9 \* Section 1. AS 12.25.210(a) is amended to read:

10 (a) A peace officer, upon issuing a citation to an alleged  
11 violator under AS 12.25.180, shall deposit the original or a copy of  
12 the citation with a court having jurisdiction over the alleged of-  
13 fense. If the citation charges a vehicle or traffic offense under a  
14 municipal ordinance for which imprisonment is not a penalty, the peace  
15 officer shall deposit the original or a copy of the citation with the  
16 clerk of the municipality that issued the citation, unless otherwise  
17 provided under rule adopted by the supreme court.

18 \* Sec. 2. AS 28.05.151(c) is amended to read:

19 (c) A person cited for a motor vehicle or traffic offense for  
20 which a bail amount has been established under (b) *get copy of statute*  
21 may, within five days from the date of the citation, mail or person-  
22 ally deliver to the clerk of the court having jurisdiction over the  
23 place where the offense occurred for an offense under state law, or if  
24 the citation charges a vehicle or traffic offense under a municipal  
25 ordinance for which imprisonment is not a penalty, to the clerk of the  
26 municipality, unless otherwise provided under rule adopted by the  
27 supreme court,

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

1                   (2) a copy of the citation signed by the person on an  
2 appropriate blank on the citation indicating the person's waiver of  
3 appearance, plea of no contest, and direction to forfeit the bail.

4 \* Sec. 3. AS 28.15.191(b) is amended to read:

5                   (b) A conviction on a plea of no contest [NOLO CONTENDERE]  
6 accepted by the court or a forfeiture of bail or collateral deposited  
7 to secure a defendant's appearance in court that [WHICH] has not been  
8 vacated is equivalent to a conviction for purposes of this chapter.  
9 If a defendant enters a plea of no contest and forfeits bail on a  
10 citation charging a vehicle or traffic offense under a municipal  
11 ordinance for which imprisonment is not a penalty, the municipality  
12 shall forward a record of the forfeiture to the department.

## SECTIONAL ANALYSIS

An act relating to issuance of citations for vehicle and traffic offenses

Section 1: This section provides that citations charging a vehicle or traffic offense under a municipal ordinance for which imprisonment is not a penalty will be deposited for processing with the clerk of the municipality which issued the citation, rather than the court, unless otherwise provided by the supreme court. It is anticipated that local courts will continue to process municipal citations in those municipalities which issue relatively few traffic citations. Traffic offenses charged under state law would continue to be processed through the court.

Section 2: This section provides that a person charged with a traffic offense under municipal ordinance for which imprisonment is not a penalty will return the citation to the municipality for processing. Persons charged with traffic and vehicle offenses under state law would continue to return citations to the court.

Section 3: This section provides that a municipality will notify the department of public safety of bail forfeitures processed through the municipality so that the department can assess points under its regulations. The courts would continue to notify the department of convictions on contested traffic offenses adjudicated by the court, and also of bail forfeitures in conjunction with offenses charged under state law.

# Memorandum

Alaska Court System

TO:

Karla Forsythe  
General Counsel

DATE : February 26, 1987

FROM: Robert G. Fisher *RF*  
Manager of Fiscal Operations

SUBJECT: Estimate of Municipal  
Revenues

You asked for an estimate of revenues from uncontested municipal citations.

This information is not readily available from Administrative or trial court accounting records. Information is available on total municipal traffic revenues for Anchorage and Fairbanks. These courts deposit municipal revenues directly into municipal accounts. The accounts contain both uncontested and contested citation revenues. Bail for contested citations is initially deposited in a court trust account. Upon disposition of a citation in favor of a municipality, bail funds are deposited into the municipal revenue accounts.

To estimate the amount of uncontested municipal traffic citation revenues for Anchorage and Fairbanks, the transferred bail funds were deducted from the total deposits. The following schedule summarizes these calculations.

## Municipal Traffic Revenues 1986

	<u>Anchorage</u>		<u>Fairbanks</u>	
	<u>\$</u>	<u>¢</u>	<u>\$</u>	<u>¢</u>
Total Deposits	\$533,300	100	\$86,500	100
Contested Revenues	<u>75,100</u>	<u>14</u>	<u>8,400</u>	<u>10</u>
Estimated Uncontested Revenues	<u>\$458,200</u>	<u>86</u>	<u>\$78,100</u>	<u>90</u>

If you need further information, please let me know.

2-26-87a



③ HB 225

APR 21 1987

Alaska Court System  
State of Alaska

OFFICE OF ADMINISTRATIVE DIRECTOR

KARLA L. FORSYTHE  
STAFF COUNSEL

303 K Street  
Anchorage, Alaska 99501

(907) 264-8228

April 16, 1987

Representative Heinrich Springer  
Alaska State Legislature  
P. O. Box V  
Juneau, Alaska 99811

Dear Representative Springer:

As I mentioned to your assistant Terry Hoeffler, the statistics provided to me by the Juneau Police Department apparently were not accurate. The police department has provided me with the following revised statistics:

Moving violations - 1,151, parking - 12,831, equipment violations - 508,  
harbor - 1,367, airport - 825, canine - 546, litter - 22, smoke - 25,  
total 17,275.

It is my understanding that these statistics are for calendar year 1986.

If you have any questions about these revised numbers, please let me know.

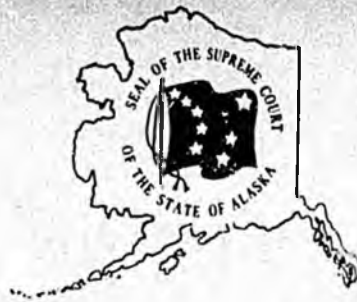
Sincerely,

Karla L. Forsythe  
Staff Counsel

KLF:bs

cc: Connie Krebs, Juneau Police Department

4/16/87-6



③ HB 225

APR 14 1987

Alaska Court System  
State of Alaska

OFFICE OF ADMINISTRATIVE DIRECTOR

KARLA L. FORSYTHE  
STAFF COUNSEL

303 K Street  
Anchorage, Alaska 99501

(907) 264-8228

April 8, 1987

Representative Heinrich Springer  
Alaska State Senate  
P. O. Box V  
Juneau, Alaska 99811

Dear Representative Springer:

It is my understanding that a Community and Regional Affairs Committee hearing on House Bill 225 is tentatively scheduled for April 22. The court system greatly appreciates your consideration in scheduling this bill.

Terry Hoefflerle of your staff asked if the court system could provide information regarding the number of citations processed by the City and Borough of Juneau and the staff required to process these citations.

According to Connie Krebs with the Juneau Police Department (586-5300), a total of 29,410 citations were processed during calendar year 1986. Of these, 5,132 citations were issued for moving violations, which are the type of citation which would be processed by municipalities rather than the court system under House Bill 225. Other citations included citations at the harbor - 56, airport - 137, canine - 825, litter - 546, smoke hazard - 25, parking - 2,459. Ms. Krebs further indicated that there is one person who processes these minor offense citations, and one other person who processes criminal citations (which are not covered by this bill). Although the present staff consists of two, she reports that the department will be receiving an additional clerk position due to the number of citations which are being processed.

I hope this information is helpful. Please let me know if you have any questions or if I can provide additional details.

Sincerely,

Karla L. Forsythe  
Staff Counsel

KLF:bs

cc: Arthur H. Snowden, II, Administrative Director  
Connie Krebs, Juneau Police Department



*Jpr*  
*Terry*

APR 16 1987

Alaska Court System  
State of Alaska

OFFICE OF ADMINISTRATIVE DIRECTOR

KARLA L. FORSYTHE  
STAFF COUNSEL

303 K Street  
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(907) 264-8228

April 16, 1987

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Alaska State Legislature  
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Karla L. Forsythe  
Staff Counsel

KLF:bs

cc: Connie Krebs, Juneau Police Department

4/16/87-6

ALASKA COURT SYSTEM  
ADMINISTRATIVE OFFICE  
TELEFACSIMILE TRANSMITTAL SHEET

TO: REP. SPRINGER DATE: 4-16-87

FROM: Karla Forsythe, Staff Counsel

TOTAL NUMBER OF PAGES: 1  
(Not including the cover sheet)

MESSAGE: ATTN: TERRY HOFFERLE  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

(If you do not receive the above document(s) please call 264-8228)  
Telecopier number is 276-6342

ALASKA COURT SYSTEM  
ADMINISTRATIVE OFFICE  
TELEFACSIMILE TRANSMITTAL SHEET

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STATE OF ALASKA  
THE LEGISLATURE

POUCH Y - STATE CAPITOL  
JUNEAU, ALASKA 99811  
907 465 3800

LEGISLATIVE AFFAIRS AGENCY

MEMORANDUM

April 8, 1987

SUBJECT: Sectional analysis - HB 225  
TO: Representative Heinrich Springer  
FROM: Michael F. Ford *M.F.*  
Legislative Counsel

The following is a section by section analysis of HB 225:

Section 1 - Requires a citation for a violation of a municipal traffic ordinance to be deposited with the clerk of the municipality that issued the citation, unless otherwise provided by rule adopted by the supreme court.

Section 2 - Requires a person who receives citation for a violation of a municipal traffic offense to mail or deliver bail to the municipal clerk, if the person wishes to post bail.

Section 3 - Requires municipalities to forward a record of conviction to the Department of Public Safety.

MFF:mkr  
m10/116