

CSSS B

247

HOUSE COMMITTEE REPORT

(11)

Date referred: 5/15/87

FURTHER REFERRALS:

DATE: 5-16-87

The Finance Committee has considered CSSB 247 (Jud)

"An Act relating to citations for certain offenses; and providing for an effective date."

RECOMMENDS:

- replace with HCS CSSB 247 (FIN) the same title
- attached amendment(s) a new title
- 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
- zero fiscal note
- zero with analysis
- same as previous fiscal note published _____
- same as previous zero fiscal note published _____

SIGNING DO PASS:

W. Adams
Ronald J. Jansen
Mark Boyer
John
Ray Wallis
Pat Samuels

SIGNING OTHER RECOMMENDATIONS:

ab REC
Steve King No Recommendation
Jay Borger No Rec
Mike W. No REC

W. Adams
 Chairman's signature

STATE OF ALASKA 1987 LEGISLATIVE SESSION
FISCAL NOTE

Bill Version: HCS CSSB 247 (FIN)
Publish Date: _____

REQUEST
Revision Date: _____
Title: "An Act relating to citations for vehicle and traffic offenses."
Sponsor: Judiciary Committee
Requestor: Senate State Affairs

Agency Affected: Public Safety
BRU: Alaska State Troopers
Components: Detachments & CIR

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						
MISCELLANEOUS						
TOTAL OPERATING		0	0	0	0	0
CAPITAL						
REVENUE						

FUNDING: (Thousands of Dollars)

GENERAL FUNDS		0	0	0	0	0
FEDERAL FUNDS						
OTHER						
TOTAL						

POSITIONS:

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

ANALYSIS:

No fiscal impact is anticipated.

Prepared by: Francis C. Allan G.C.A.
Division: Alaska State Troopers

Phone: 269-5691

Date: 4/15/87

Approved by Commissioner: [Signature]
Agency: Public Safety

Date: 4/16/87

Distribution (by preparer):

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

JrR
4/16/87

Original sponsor: Judiciary Committee

1 IN THE SENATE

BY THE FINANCE COMMITTEE

2 HOUSE CS FOR CS FOR SENATE BILL NO. 247 (Finance)

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 certain offenses;
7 and providing for an effective date."

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

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

10 (c) The person cited for the crime shall give a written promise
11 to appear in court by signing at least one copy of the written cita-
12 tion prepared by the peace officer and the officer shall deliver a
13 copy of the citation to the person. The written promise requirement
14 of this subsection does not apply to motor vehicle and traffic cita-
15 tions for which a bail or fine schedule has been established under
16 AS 28.05.151, fish and game citations for which a bail schedule has
17 been established under AS 16.05.165, citations issued under AS 18.-
18 35.341, or [AND] citations issued in state park and recreational
19 facilities under AS 41.21.960.

20 * Sec. 2. AS 12.25 is amended by adding a new section to read:

21 Sec. 12.25.195. DISPOSITION OF SCHEDULED OFFENSES. (a) A
22 person cited for an offense for which a scheduled amount of bail or a
23 fine has been established may mail or personally deliver to the clerk
24 of the court with appropriate jurisdiction if aailable offense, or
25 to the clerk of the municipality that issued the citation if a sched-
26 uled municipal fine, the amount of the bail or fine indicated on the
27 citation for the offense together with a copy of the citation signed
28 by the person indicating the person's waiver of court appearance,
29 entry of plea of no contest, and forfeiture of bail or fine. A motor

1 vehicle or traffic citation may be mailed or personally delivered
2 within five days of the date of the citation. A citation for a sched-
3 uled offense other than a motor vehicle or traffic citation may be
4 mailed or personally delivered within 15 days of the date of the
5 citation.

6 (b) When bail or a fine is forfeited under this section, a
7 judgment of conviction shall be entered. The bail or fine paid is
8 complete satisfaction for the offense.

9 * Sec. 3. AS 12.25.200 is amended by adding a new subsection to read:

10 (b) A citation issued under AS 12.25.180 must indicate the
11 amount of bail or fine applicable to the offense, the procedure a
12 person must follow in responding to the citation, and that if the
13 person fails to pay the bail or fine the person must appear in court.
14 In addition, a citation must indicate that the person has a right to

- 15 (1) a trial;
- 16 (2) engage counsel;
- 17 (3) confront and question witnesses;
- 18 (4) testify; and
- 19 (5) subpoena witnesses on the person's behalf.

20 * Sec. 4. AS 12.25.210(a) is amended to read:

21 (a) A peace officer, upon issuing a citation to an alleged
22 violator under AS 12.25.180, shall deposit the original or a copy of
23 the citation with a court having jurisdiction over the alleged of-
24 fense. If the citation charges an offense under a municipal ordinance
25 for which a scheduled fine has been established, the peace officer
26 shall deposit the original or a copy of the citation with the clerk of
27 the municipality that issued the citation, unless otherwise provided
28 under rule adopted by the supreme court.

29 * Sec. 5. AS 12.25.230 is amended to read:

1 Sec. 12.25.230. FAILURE TO OBEY CITATION. Except as provided in
2 (b) of this section, a [A] person who fails to appear in court to
3 answer the citation, regardless of the disposition of the charge for
4 which the citation was issued, is guilty of a misdemeanor and upon
5 conviction is punishable by a fine of not more than \$1,000, or by
6 imprisonment for not more than one year, or by both.

7 * Sec. 6. AS 12.25.230 is amended by adding new subsections to read:

8 (b) If a person is cited for an offense for which an amount of
9 scheduled bail or fine is established and fails to pay the bail or
10 fine, or appear in court, the citation shall be considered a summons
11 for a misdemeanor.

12 (c) If a person cited for an offense for which an amount of
13 scheduled bail or fine has been established appears in court and is
14 found guilty, the penalty imposed for the offense may not exceed the
15 bail or fine established for the offense.

16 * Sec. 7. AS 28.05.041(a) is amended to read:

17 (a) The commissioner shall prescribe and provide suitable appli-
18 cation forms, certificates of title and registration, driver's li-
19 censes and all other forms necessary to carry out the provisions of
20 this title and regulations adopted under this title, the adminis-
21 tration of which is vested in the department, including a standard
22 citation form which meets the requirements of AS 12.25.200 [AS 28.05.-
23 151] and which is in a form necessary to identify the offender and the
24 offense and otherwise necessary to meet the needs of the public safety
25 and the administration of justice as required under that section.

26 * Sec. 8. AS 28.05.151 is repealed and reenacted to read:

27 Sec. 28.05.151. CITATIONS FOR SCHEDULED VEHICLE AND TRAFFIC
28 OFFENSES. The supreme court shall determine by rule or order those
29 motor vehicle and traffic offenses, except for offenses subject to a

1 scheduled municipal fine, that are amenable to disposition without
2 court appearance and shall establish a scheduled amount of bail, not
3 to exceed fines prescribed by law, for each offense. A municipality
4 shall determine by ordinance the municipal motor vehicle and traffic
5 offenses that may be disposed without court appearance and shall
6 establish a fine schedule for each offense.

7 * Sec. 9. AS 28.15.191 is amended by adding a new subsection to read:

8 (f) A municipality that accepts a fine payment after a plea of
9 no contest to a charge of a violation of a municipal ordinance for
10 which a scheduled fine has been established shall forward a record of
11 the payment to the department; however, a conviction for a standing or
12 parking offense need not be reported.

13 * Sec. 10. AS 28.35.145(e) is amended to read:

14 (e) A vehicle owner, or in the case of a leased vehicle a les-
15 see, is guilty of an infraction as described in AS 28.40.050(d) and
16 may be punished by a fine [CIVIL PENALTY] not to exceed \$100, if the
17 vehicle owned or leased by the person is operated in violation of this
18 section. The owner or lessee may not be penalized if the vehicle was
19 stolen, or the driver of the vehicle is convicted under (d) of this
20 section. This subsection does not apply to a lessor of a vehicle if
21 the lessor keeps a record of the name and address of the lessee. A
22 violation of this subsection may not result in the loss of a driver's
23 license or privilege to drive and does not constitute grounds for
24 assessment of demerit points under AS 28.15.221 - 28.15.261. This
25 subsection does not prohibit or limit the prosecution of a vehicle
26 driver for violating (a) or (b) of this section.

27 * Sec. 11. AS 29.25.070(a) is amended to read:

28 (a) For the violation of an ordinance, a municipality may by
29 ordinance prescribe a penalty not to exceed a fine of \$1,000 and

1 imprisonment for 90 days. For a violation that cannot result in
2 incarceration or the loss of a valuable license, a municipality may
3 allow disposition of the violation without court appearance and estab-
4 lish a schedule of fine amounts for each offense.

5 * Sec. 12. This Act takes effect January 1, 1988.
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29

ADOPTED

A M E N D M E N T

Offered in the HOUSE

By Gruenberg

TO: CSSB 247(Jud)

Page 4, after line 13:

Insert a new bill section to read:

"* Sec. 10. AS 28.35.145(e) is amended to read:

(e) A vehicle owner, or in the case of a leased vehicle a lessee, is guilty of an infraction as described in AS 28.40.050(d) and may be punished by a fine [CIVIL PENALTY] not to exceed \$100, if the vehicle owned or leased by the person is operated in violation of this section. The owner or lessee may not be penalized if the vehicle was stolen, or the driver of the vehicle is convicted under (d) of this section. This subsection does not apply to a lessor of a vehicle if the lessor keeps a record of the name and address of the lessee. A violation of this subsection may not result in the loss of a driver's license or privilege to drive and does not constitute grounds for assessment of demerit points under AS 28.15.221 - 28.15.261. This subsection does not prohibit or limit the prosecution of a vehicle driver for violating (a) or (b) of this section."

Renumber remaining bill sections accordingly.

(4) 175 225



Alaska Court System

State of Alaska

303 "K" STREET
ANCHORAGE, ALASKA
99501

ARTHUR M. 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 ^{SB247} 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

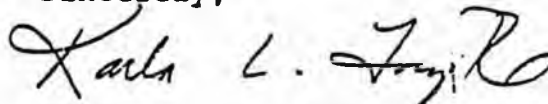
This procedure would benefit the courts, because resources now devoted to processing these payments could be focused on other functions which would benefit both the state and localities, such as pre-trial screening to determine which defendants are able to bear the costs of counsel appointed at public 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

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

	Anchorage		Fairbanks	
	<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.

Original sponsor: Judiciary Committee

1 IN THE SENATE BY THE JUDICIARY COMMITTEE

2 CS FOR SENATE BILL NO. 247 (Judiciary)

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 certain offenses;
7 and providing for an effective date."

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

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

10 (c) The person cited for the crime shall give a written promise
11 to appear in court by signing at least one copy of the written cita-
12 tion prepared by the peace officer and the officer shall deliver a
13 copy of the citation to the person. The written promise requirement
14 of this subsection does not apply to motor vehicle and traffic cita-
15 tions for which a bail or fine schedule has been established under
16 AS 28.05.151, fish and game citations for which a bail schedule has
17 been established under AS 16.05.165, citations issued under AS 18.-
18 35.341, or [AND] citations issued in state park and recreational
19 facilities under AS 41.21.960.

20 * Sec. 2. AS 12.25 is amended by adding a new section to read:

21 Sec. 12.25.195. DISPOSITION OF SCHEDULED OFFENSES. (a) A
22 person cited for an offense for which a scheduled amount of bail or a
23 fine has been established may mail or personally deliver to the clerk
24 of the court with appropriate jurisdiction if aailable offense, or
25 to the clerk of the municipality that issued the citation if a sched-
26 uled municipal fine, the amount of the bail or fine indicated on the
27 citation for the offense together with a copy of the citation signed
28 by the person indicating the person's waiver of court appearance,
29 entry of plea of no contest, and forfeiture of bail or fine. A motor

1 vehicle or traffic citation may be mailed or personally delivered
2 within five days of the date of the citation. A citation for a sched-
3 uled offense other than a motor vehicle or traffic citation may be
4 mailed or personally delivered within 15 days of the date of the
5 citation.

6 (b) When bail or a fine is forfeited under this section, a
7 judgment of conviction shall be entered. The bail or fine paid is
8 complete satisfaction for the offense.

9 * Sec. 3. AS 12.25.200 is amended by adding a new subsection to read:

10 (b) A citation issued under AS 12.25.180 must indicate the
11 amount of bail or fine applicable to the offense, the procedure a
12 person must follow in responding to the citation, and that if the
13 person fails to pay the bail or fine the person must appear in court.
14 In addition, a citation must indicate that the person has a right to

- 15 (1) a trial;
- 16 (2) engage counsel;
- 17 (3) confront and question witnesses;
- 18 (4) testify; and
- 19 (5) subpoena witnesses on the person's behalf.

20 * Sec. 4. AS 12.25.210(a) is amended to read:

21 (a) A peace officer, upon issuing a citation to an alleged
22 violator under AS 12.25.180, shall deposit the original or a copy of
23 the citation with a court having jurisdiction over the alleged of-
24 fense. If the citation charges an offense under a municipal ordinance
25 for which a scheduled fine has been established, the peace officer
26 shall deposit the original or a copy of the citation with the clerk of
27 the municipality that issued the citation, unless otherwise provided
28 under rule adopted by the supreme court.

29 * Sec. 5. AS 12.25.230 is amended to read:

1 Sec. 12.25.230. FAILURE TO OBEY CITATION. Except as provided in
2 (b) of this section, a [A] person who fails to appear in court to
3 answer the citation, regardless of the disposition of the charge for
4 which the citation was issued, is guilty of a misdemeanor and upon
5 conviction is punishable by a fine of not more than \$1,000, or by
6 imprisonment for not more than one year, or by both.

7 * Sec. 6. AS 12.25.230 is amended by adding new subsections to read:

8 (b) If a person is cited for an offense for which an amount of
9 scheduled bail or fine is established and fails to pay the bail or
10 fine, or appear in court, the citation shall be considered a summons
11 for a misdemeanor.

12 (c) If a person cited for an offense for which an amount of
13 scheduled bail or fine has been established appears in court and is
14 found guilty, the penalty imposed for the offense may not exceed the
15 bail or fine established for the offense.

16 * Sec. 7. AS 28.05.041(a) is amended to read:

17 (a) The commissioner shall prescribe and provide suitable appli-
18 cation forms, certificates of title and registration, driver's li-
19 censes and all other forms necessary to carry out the provisions of
20 this title and regulations adopted under this title, the adminis-
21 tration of which is vested in the department, including a standard
22 citation form which meets the requirements of AS 12.25.200 [AS 28.05.-
23 151] and which is in a form necessary to identify the offender and the
24 offense and otherwise necessary to meet the needs of the public safety
25 and the administration of justice as required under that section.

26 * Sec. 8. AS 28.05.151 is repealed and reenacted to read:

27 Sec. 28.05.151. CITATIONS FOR SCHEDULED VEHICLE AND TRAFFIC
28 OFFENSES. The supreme court shall determine by rule or order those
29 motor vehicle and traffic offenses, except for offenses subject to a

1 scheduled municipal fine, that are amenable to disposition without
2 court appearance and shall establish a scheduled amount of bail, not
3 to exceed fines prescribed by law, for each offense. A municipality
4 shall determine by ordinance the municipal motor vehicle and traffic
5 offenses that may be disposed without court appearance and shall
6 establish a fine schedule for each offense.

7 * Sec. 9. AS 28.15.191 is amended by adding a new subsection to read:

8 (f) A municipality that accepts a fine payment after a plea of
9 no contest to a charge of a violation of a municipal ordinance for
10 which a scheduled fine has been established shall forward a record of
11 the payment to the department; however, a conviction for a standing or
12 parking offense need not be reported.

13 * Sec. 10. AS 29.25.070(a) is amended to read:

14 (a) For the violation of an ordinance, a municipality may by
15 ordinance prescribe a penalty not to exceed a fine of \$1,000 and
16 imprisonment for 90 days. For a violation that cannot result in
17 incarceration or the loss of a valuable license, a municipality may
18 allow disposition of the violation without court appearance and estab-
19 lish a schedule of fine amounts for each offense.

20 * Sec. 11. This Act takes effect January 1, 1988.