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225

STATE OF ALASKA
THE LEGISLATURE

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JUNEAU, ALASKA 99811
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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

H. JUD.

5-11-87

1:30 p.m.

5-0599A

Ford

2/11/87

1 IN THE HOUSE

BY THE JUDICIARY COMMITTEE
BY REQUEST

2 HOUSE BILL NO.

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) of this section
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] accepted by the
6 court or a forfeiture of bail or collateral deposited to secure a
7 defendant's appearance in court that [WHICH] has not been vacated is
8 equivalent to a conviction for purposes of this chapter. If a defen-
9 dant enters a plea of ~~nolo contendere~~ and forfeits bail on a citation
10 charging a vehicle or traffic offense under a municipal ordinance for
11 which imprisonment is not a penalty, the municipality shall forward a
12 record of the forfeiture to the department.
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Original sponsor: Judiciary Committee
by request

1 IN THE HOUSE

BY THE JUDICIARY COMMITTEE

2 CS FOR HOUSE BILL NO. 225 (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 certain vehicle and traffic
7 offenses; citations for certain offenses; and provid-
8 ing for an effective date."

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 written promise
12 to appear in court by signing at least one copy of the written cita-
13 tion 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 for which a bail or fine schedule has been established under
17 AS 28.05.151, fish and game citations for which a bail schedule has
18 been established under AS 16.05.165, citations issued under AS 18.35.-
19 341, or [AND] citations issued in state park and recreational facil-
20 ities under AS 41.21.960.

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

22 Sec. 12.25.195. DISPOSITION OF SCHEDULED OFFENSES. (a) A
23 person cited for an offense for which a scheduled amount of bail or a
24 fine has been established may mail or personally deliver to the clerk
25 of the court with appropriate jurisdiction if a bailable offense, or
26 to the clerk of the municipality that issued the citation if a sched-
27 uled municipal fine, the amount of the bail or fine indicated on the
28 citation for the offense together with a copy of the citation signed
29 by the person indicating the person's waiver of court appearance.

1 entry of plea of no contest, and forfeiture of bail or fine. A motor
2 vehicle or traffic citation may be mailed or personally delivered
3 within five days of the date of the citation. A citation for a sched-
4 uled offense other than a motor vehicle or traffic citation may be
5 mailed or personally delivered within 15 days of the date of the
6 citation.

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

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

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

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

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

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

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

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

8 * Sec. 5. AS 12.25.230 is amended by adding new subsections to read:

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

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

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

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

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

28 Sec. 28.05.151. CITATIONS FOR SCHEDULED VEHICLE AND TRAFFIC
29 OFFENSES. The supreme court shall determine by rule or order those

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

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

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

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

15 (e) A vehicle owner, or in the case of a leased vehicle a
16 lessee, is guilty of an infraction as described in AS 28.40.050(d) and
17 may be punished by a fine (CIVIL PENALTY) not to exceed \$100, if the
18 vehicle owned or leased by the person is operated in violation of this
19 section. The owner or lessee may not be penalized if the vehicle was
20 stolen, or the driver of the vehicle is convicted under (d) of this
21 section. This subsection does not apply to a lessor of a vehicle if
22 the lessor keeps a record of the name and address of the lessee. A
23 violation of this subsection may not result in the loss of a driver's
24 license or privilege to drive and does not constitute grounds for
25 assessment of demerit points under AS 28.15.221 - 28.15.251. This
26 subsection does not prohibit or limit the prosecution of a vehicle
27 driver for violating (a) or (b) of this section.

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

29 (a) For the violation of an ordinance, a municipality may by

1 ordinance prescribe a penalty not to exceed a fine of \$1,000 and
2 imprisonment for 90 days. For a violation that cannot result in
3 incarceration or the loss of a valuable license, a municipality may
4 allow disposition of the violation without court appearance and estab-
5 lish a schedule of fine amounts for each offense.

6 * Sec. 12. This Act takes effect January 1, 1988.
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Alaska Court System
State of Alaska

OFFICE OF ADMINISTRATIVE DIRECTOR

KARLA L. FORSYTHE
STAFF COUNSEL

303 K Street
Anchorage, Alaska 99501

(907) 264-6228

March 9, 1987

Representative John Sund
Chair, House Judiciary Committee
Alaska State Legislature
P. O. Box V
Juneau, Alaska 99811

Dear Representative Sund:

On February 27, 1987, I wrote to you providing background information about the Alaska Court System's request for legislation requiring municipalities to process uncontested traffic citations issued by their enforcement officers (copy of letter attached). Since that time, the court system has refined its proposal. The court system asks that the committee review the attached draft and sectional analysis and consider introducing this proposed legislation.

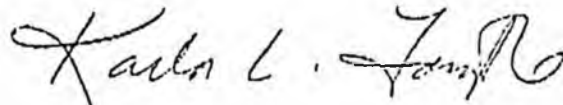
The attached draft incorporates two changes from the previous draft, both intended to benefit municipalities. First, language in the attached draft gives municipalities clear authority to establish fine schedules, rather than leaving this authority with the supreme court. This change would give municipalities the ability to control both enforcement and revenue attributable to these offenses, and to change the fine amounts to meet local conditions without having to seek approval from the judicial branch of state government. Also, this draft incorporates language authorizing municipalities to establish fine schedules for all minor offenses, which would include such offenses as littering and animal control ordinance violations as well as traffic offenses. This change would result in consistent treatment for all minor municipal offenses.

It could be argued that these changes would permit municipalities to establish fines for minor offenses solely as a revenue-generating mechanism. There are two factors which counteract this possibility. First, if a municipality sets a fine at an excessively high level, persons cited will come to court to contest the citation, which will require enforcement officers to spend time in court rather than on the streets. A modest fine is more likely to promote a plea of no contest and a mail-in fine payment, with minimal impact on enforcement resources. Also, the public can raise concerns about excessive fines directly with the legislative body which established them, which is the appropriate forum to resolve such concerns.

Representative John Sund
March 9, 1987
Page Two

Thank you for considering the court system's request. I will be glad to supply any additional information or answer any questions from you or your staff.

Sincerely,



Karla L. Forsythe
Staff Counsel

KLF:bs

Att.

cc: Arthur H. Snowden, II, Administrative Director
Robert G. Fisher, Fiscal Officer
Sandy Ganong, Traffic Division
Susan Miller, Manager, Special Projects
Area Court Administrators



Alaska Court System
State of Alaska

OFFICE OF ADMINISTRATIVE DIRECTOR

KARLA L. FORSYTHE
STAFF COUNSEL

303 K Street
Anchorage, Alaska 99501

(907) 264-0228

February 27, 1987

Representative John Sund
Alaska State Legislature
P. O. Box V
Juneau, Alaska 99811

Dear Representative Sund:

I am writing to provide background about a request from the Alaska Court System for legislation requiring municipalities to process uncontested traffic citations issued by their enforcement officers.

In most court locations, citations issued by both 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.

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. Stopped-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.

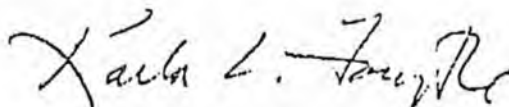
Representative John Sund
February 27, 1987
Page Two

Municipalities would also benefit by assuming direct control over this process. Along these lines, the supreme court would not object to legislation authorizing municipalities to enact mail-in fine schedules, which 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 ball 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. Please let me know if I can provide additional background.

Sincerely,



Karla L. Forsythe
Staff Counsel

KLF:bs

cc: Arthur H. Snowden, II, Administrative Director
Stephane J. Cole, Deputy Administrative Director
Robert G. Fisher, Fiscal Officer
Sandy Ganong, Traffic Division
Area Court Administrators

SECTIONAL ANALYSIS: AN ACT RELATING TO CITATIONS FOR
VEHICLE AND TRAFFIC OFFENSES

Section 1. Paragraph a. This section provides that citations for offenses under municipal ordinances for which a fine schedule has been established shall be deposited with the municipality for processing rather than with the court. However, if the supreme court by rule exempts a municipality from this provision, citations may still be filed with the court. It is anticipated that outlying communities which do not have the resources to process these citations would still be permitted to deposit citations with the court.

Paragraph b. This paragraph sets forth the procedure for responding to a citation under a municipal ordinance for which a fine schedule has been established. The person to whom the citation is issued will have five days to either pay the fine to the municipality or to plead not guilty. This paragraph also sets forth provisions which must appear on the citations in order to protect a person's due process rights. The paragraph provides that if a person fails to respond to the citation, the citation is considered a summons, which will provide the basis for the court to issue a bench warrant. Finally, this paragraph provides that if a person requests a trial and appears in court and is ultimately found guilty, the person may be sentenced to pay no more than the amount of the fine established under ordinance.

Paragraphs c-f. These provisions are contained in existing law, and are re-lettered in the proposed draft. These paragraphs relate to disposition of the citation and retention of copies.

Section 2. This section amends the current bail forfeiture statute for vehicle and traffic violations to provide that the state supreme court will issue a bail forfeiture schedule only for those offenses under state law which are amenable to disposition without court appearance, and that municipalities will establish fine schedules for municipal traffic offenses amenable to disposition without court appearance. This section also clarifies that if a person cited for an offense for which a fine or bail amount has been established appears in court and is found guilty, the penalty imposed may not exceed the fine or bail amount, so that the person's constitutional right to request a trial will not be infringed.

Section 3. Current law requires the court to notify the Department of Public Safety of convictions. This section inserts new language requiring a municipality to similarly notify the department if a fine payment has been accepted for a violation of a municipal ordinance relating to driving vehicles.

Section 4. This section amends Title 29, and is intended to give municipalities clear authority to determine that some minor offenses are amenable to disposition without court appearance and to establish a schedule of fine amounts for these offenses. Under existing law revenue generated by this procedure would be returned to the municipalities.

Section 5. This section sets an effective date of January 1, 1988, in order to give sufficient lead time for municipalities to review their ordinances and adopt fine schedules.

5-0599A ✓
Ford
3/26/87

1 IN THE HOUSE

BY THE JUDICIARY COMMITTEE
BY REQUEST

2 HOUSE BILL NO.

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) of this section
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.
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17071

**STATE OF ALASKA 1987 LEGISLATIVE SESSION
FISCAL NOTE**

Bill Version:
Publish Date:

HB 225

REQUEST:

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

<u>EXPENDITURES/REVENUES:</u> (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
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0
CAPITAL
REVENUE

<u>FUNDING:</u> (Thousands of Dollars)						
General Funds	0.0	0.0	0.0	0.0	0.0	0.0
Federal Funds	. . . .	. . . .	. . . .	. . . .	. . . .	. . . .
Other	. . . .	. . . .	. . . .	. . . .	. . . .	. . . .
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

<u>POSITIONS:</u>						
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* 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

SECTIONAL ANALYSIS: AN ACT RELATING TO CITATIONS FOR VEHICLE-AND-TRAFFIC OFFENSES MUNICIPAL

Section 1. Paragraph a. This section provides that citations for offenses under municipal ordinances for which a fine schedule has been established shall be deposited with the municipality for processing rather than with the court. However, if the supreme court by rule exempts a municipality from this provision, citations may still be filed with the court. It is anticipated that outlying communities which do not have the resources to process these citations would still be permitted to deposit citations with the court.

Paragraph b. This paragraph sets forth the procedure for responding to a citation under a municipal ordinance for which a fine schedule has been established. The person to whom the citation is issued will have five days to either pay the fine to the municipality or to plead not guilty. This paragraph also sets forth provisions which must appear on the citations in order to protect a person's due process rights. The paragraph provides that if a person fails to respond to the citation, the citation is considered a summons, which will provide the basis for the court to issue a bench warrant. Finally, this paragraph provides that if a person requests a trial and appears in court and is ultimately found guilty, the person may be sentenced to pay no more than the amount of the fine established under ordinance.

Paragraphs c-f. These provisions are contained in existing law, and are re-lettered in the proposed draft. These paragraphs relate to disposition of the citation and retention of copies.

Section 2. This section amends the current bail forfeiture statute for vehicle and traffic violations to provide that the state supreme court will issue a bail forfeiture schedule only for those offenses under state law which are amenable to disposition without court appearance, and that municipalities will establish fine schedules for municipal traffic offenses amenable to disposition without court appearance. This section also clarifies that if a person cited for an offense for which a fine or bail amount has been established appears in court and is found guilty, the penalty imposed may not exceed the fine or bail amount, so that the person's constitutional right to request a trial will not be infringed.

Section 3. Current law requires the court to notify the Department of Public Safety of convictions. This section inserts new language requiring a municipality to similarly notify the department if a fine payment has been accepted for a violation of a municipal ordinance relating to driving vehicles.

Section 4. This section amends Title 29, and is intended to give municipalities clear authority to determine that some minor offenses are amenable to disposition without court appearance and to establish a schedule of fine amounts for these offenses. Under existing law revenue generated by this procedure would be returned to the municipalities.

Section 5. This section sets an effective date of January 1, 1988, in order to give sufficient lead time for municipalities to review their ordinances and adopt fine schedules.

IN THE LEGISLATURE OF THE STATE OF ALASKA

FIFTEENTH LEGISLATURE - FIRST SESSION

A BILL

For an Act entitled: "An Act relating to citations for ~~vehicle~~^{municipal} and
traffic offenses."

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

* Section 1. AS 12.25.210 is amended to read:

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

(b) A person cited for an offense under a municipal ordinance for which the municipality has established a fine schedule

may, within five days from the date of the citation, mail or personally deliver to the clerk of the municipality which issued the citation, unless otherwise provided under rule adopted by the supreme court, the amount of fine indicated on the citation for that offense and a copy of the citation signed by the person on an appropriate blank indicating the person's waiver of court appearance. A fine paid under this section is complete satisfaction for the offense. The citation must provide that the person is entitled to a trial, to engage counsel, to confront and question witnesses, to testify and to subpoena witnesses in the person's behalf, and must state the procedure the person must follow in responding to the citation. The citation must also provide that if the person cited fails to pay the fine amount, the person must appear in court. If the person fails to pay the fine amount or appear in court, the citation shall be considered a summons for a misdemeanor. Notwithstanding other provisions of law, if a person cited for an offense for which a fine has been established appears in court and is found guilty, the penalty

imposed for the offense may not exceed the fine amount established for the offense.

(c) [(b)] Upon the deposit of the original or a copy of the citation with a court having jurisdiction over the alleged offense, the original or copy of the citation may be disposed of only by trial in the court or other official action by a magistrate or judge of the court.

(d) [(c)] It is unlawful and official misconduct for a peace officer or other officer or public employee to dispose of a citation or copies of it or of the record of the issuance of the citation in a manner other than as required in this section.

(e) [(d)] The chief administrative officer of each law enforcement agency shall require each officer in the agency to return a copy of every citation issued by the officer to an alleged violator of a law or ordinance and all copies of every citation that has

been spoiled or upon which any entry has been made and not issued to an alleged violator.

(f) [(e)] The chief administrative officer of each law enforcement agency shall also maintain in connection with every citation issued by an officer in the agency a record of the disposition of the charge by the court in which the original or copy of the citation was deposited.

* Section 2. AS 28.05.151 is amended to read as follows:

Section 28.05.151. Form and issuance of citation. (a) When a person is arrested or cited for the commission of a vehicle or traffic offense which is a misdemeanor or an infraction, the arresting or citing officer shall, except when otherwise required by law or the immediate circumstances, issue a citation to the person arrested or cited. The person receiving the citation may not be required to endorse the citation.

(b) The state supreme court shall determine by rule or order those vehicle and traffic offenses under state law that are amenable to disposition without court appearance and shall establish a schedule of bail amounts, not to exceed fines prescribed by law, for each offense. A municipality shall determine by ordinance those vehicle and traffic offenses under the ordinances of the municipality that are amenable to disposition without court appearance and shall establish a schedule of fine amounts for each offense. If the offense for which the citation is issued is one which may be disposed of without court appearance, the citing officer shall write on the citation the amount of bail or fine applicable to the cited offense.

(c) A person cited under state law for a motor vehicle or traffic offense for which a bail amount has been established under (b) of this section may, within five days from the date of

the citation, mail or personally deliver to the clerk of the court having jurisdiction over the place where the offense occurred

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

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

(d) A person cited under a municipal ordinance for a motor vehicle or traffic offense for which a fine schedule has been established may, within five days from the date of the citation, mail or personally deliver to the clerk of the municipality that issued the citation, unless otherwise provided under rule adopted by the supreme court,

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

(2) a copy of the citation signed by the person on the appropriate blank on the citation indicating the person's waiver of court appearance and plea of no contest.

(e) [(d)] When bail has been forfeited or a fine has been paid to the court under this section, a judgment of conviction shall be entered. Bail forfeited or a fine paid under this section is a complete satisfaction for the offense, and the offender shall be given a receipt stating that fact.

(f) [(e)] If the person cited fails to pay the bail or fine amount or appear in court as required, the citation shall be considered a summons as for a charge of a misdemeanor and the person shall be proceeded against in the manner prescribed by law. [(HOWEVER, THE MAXIMUM PENALTY WHICH MAY BE IMPOSED FOR THE ORIGINAL OFFENSE MAY NOT EXCEED THE BAIL AMOUNT FOR THAT OFFENSE SET OUT IN THE SCHED-

ULE OF BAIL AMOUNTS AS DETERMINED BY THE SUPREME COURT UNDER (b) OF THIS SECTION.)]

(g) Notwithstanding other provisions of law, if a person cited for an offense for which a fine or bail amount has been established appears in court and is found guilty, the penalty imposed for the offense may not exceed the fine or bail amount established for the offense.

(h) [(f)] A municipality shall adopt a citation form which complies with the requirements of this section and is at least equivalent to that adopted by the commissioner under AS 28.05.-041.

* Section 3. AS 28.15.191 is amended to read:

Section 28.15.191 [COURT] Reports to department

(a) A court which convicts a person of an offense under this title or a regulation adopted under this title, or another law or regulation of this state, or a municipal ordinance which regulates the driving of vehicles, shall forward a record of the conviction to the department. A conviction of a standing or parking offense need not be reported.

(b) A municipality which accepts a fine payment upon a plea of no contest to a charge of a violation of a municipal ordinance regulating the driving of vehicles and for which a fine schedule has been established shall forward a record of the payment to the department. A conviction of a standing or parking offense need not be reported.

(c) [(b)] A conviction on a plea of no contest [NOLO CONTENDERE] accepted by the court or a forfeiture of bail or collateral deposited to secure a defendant's appearance in court

which has not been vacated is equivalent to a conviction for purposes of this chapter.

(d) [(c)] A court which suspends, revokes, or limits a driver's license shall require the surrender of the license, and shall immediately forward it to the department with the record of conviction and notification of the effective date of the suspension, revocation or limitation as determined under AS 28.15.211-
(b).

(e) [(d)] A court which limits a driver's license, in addition to the actions required under (c) of this section, shall issue to the licensee a form specifying the court's limitations imposed upon a person's driver's license, and shall immediately forward to the department a copy of the limitations imposed upon the license.

(f) [(e)] A court shall report to the department every change of name authorized by it, and the name, address, age, description, and driver's license number if available, of every person adjudged to be afflicted with or suffering from a mental disability or disease, or to be an habitual user of alcohol or another drug. The department shall prescribe and furnish the forms for making these reports.

* Section 4. AS 29.25.070(a) is amended to read:

(a) For the violation of an ordinance, a municipality may by ordinance prescribe a penalty not to exceed a fine of \$1,000 and imprisonment for 90 days. For those violations for which a conviction cannot result in incarceration or the loss of a valuable license, a municipality may determine by ordinance which violations are amenable to disposition without court appearance and establish a schedule of fine amounts for each such offense.

* Section 5. Effective date. This act takes effect on January

1, 1988.

FISCAL ANALYSIS -HB 225

This measure would transfer to municipalities the responsibility for processing the paperwork which results from municipal traffic tickets, and for accounting for the fine amounts which are returned to municipalities as required by AS 22.15.270. Court staff now performing this function will be assigned to duties which will benefit not only municipalities, but also the state and the general public. These tasks include helping relieve the sizeable case backlog (approaching two years in Anchorage), and conducting pre-trial screening of defendants seeking appointments of counsel at public expense. It is anticipated that intensified screening efforts will decrease the number of these appointments, and will therefore reduce municipal expenditures for these defense costs.

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

STATE OF ALASKA
THE LEGISLATURE

LEGISLATIVE AFFAIRS AGENCY

POUCHY STATE CAPITAL
JUNEAU ALASKA 99811
907 465 3100

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

§ 28.35.145

guilty of an infraction

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Nos. S-923, S-11631.

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Nos. S-923, S-11631.

s v. State, Ct. App. Op.
A-699, 691 P.2d 285

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VICES required

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*Amendment #1
to AS 28.35.225
by Ermenberg
part 7*

*AS 28.35.225(c)
is amended
to read:*

§ 28.35.225

MOTOR VEHICLES

§ 28.35.251

area to embark on or disembark from the school bus, whether or not the person is crossing within a marked crosswalk.

(c) The driver of a vehicle on a highway with separate roadways is not required to stop when meeting or passing a school bus that is on a different roadway or, if upon a controlled access highway, when a school bus is stopped off the highway in a loading zone that is part of, or adjacent to, the controlled access highway, and pedestrians are not permitted to cross the highway.

(d) A driver convicted under this section is guilty of a class B misdemeanor and, in addition to other penalties as provided by law, is subject to a mandatory assessment of six demerit points under AS 28.15.221 — 28.15.261 — an infraction

(e) A vehicle owner, or in the case of a leased vehicle a lessee, may be punished by a 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. (§ 1 ch 8 SLA 1986)

Sec. 28.35.225. Enforcement.

NOTES TO DECISIONS

"Law enforcement officers". — Any member of the police force of an incorporated city or borough is a "law enforcement officer" for purposes of this section. State v. Burke, Ct. App. Op. No. 583 (File No. A-905), 714 P.2d 374 (1986).

Enforcement authority. — This section authorizes all "law enforcement officers" to stop any vehicle whose driver has committed a statewide traffic offense in

the officer's presence, regardless not only of whether the offense was committed within the territorial limits of the jurisdiction which employed the officer, but also of whether the vehicle is in the territorial limits at the time the officer decides to make the stop. State v. Burke, Ct. App. Op. No. 583 (File No. A-905), 714 P.2d 374 (1986).

Sec. 28.35.251. Contained or confined loads. (a) A person may not drive a motor vehicle loaded with sand, gravel, rock, or similar materials on a highway unless

(1) the load is contained or confined to prevent the load from dropping, shifting, leaking, or escaping, except that sand or other substances may be dropped, sprinkled, or sprayed for the purpose of cleaning or maintaining the highway or providing traction; and

to the wearer potentially caused by the helmet. The adoption of these regulations shall be under the provisions of the Administrative Procedure Act (AS 44.62).

(b) A person who has reached the age of majority as defined by AS 25.20.010 may not be required to wear a helmet while operating a motorcycle if the person is the holder of a license which, under regulations adopted under AS 28.15.011, is classified singly as a license to operate a motorcycle. (§ 1 ch 230 SLA 1976)

Collateral references. — 7A Am. Jur. 2d, Automobiles and Highway Traffic, § 210.

Sec. 28.35.250. Application of law. [Repealed, § 20 ch 241 SLA 1976.]

Sec. 28.35.260. [Renumbered as AS 28.40.100.]

Sec. 28.35.270. [Renumbered as AS 28.40.110.]

Chapter 40. General Provisions.

Section	Section
050. Penalty for violations of law, regulations, and municipal ordinances	100. Definitions for title
	110. Short title

Sec. 28.40.050. Penalty for violations of law, regulations, and municipal ordinances. (a) It is a misdemeanor for a person to violate a provision of this title unless the violation is by this title or other law declared to be a felony or an infraction.

(b) A person convicted of a misdemeanor for a violation of a provision of this title for which another penalty is not specifically provided is punishable by a fine of not more than \$500, or by imprisonment for not more than 90 days, or by both. In addition, the privilege to drive or the registration of vehicles may be suspended or revoked.

(c) Unless otherwise specified by law a person convicted of a violation of a regulation adopted under this title, or a municipal ordinance regulating vehicles or traffic when the municipal ordinance does not correspond to a provision of this title, is guilty of an infraction and is punishable by a fine not to exceed \$300.

(d) An infraction, as provided for in (c) of this section, is not considered a criminal offense and may not result in imprisonment, nor is a fine imposed for the commission of an infraction considered a penal or criminal punishment; nor may the commission of a single infraction result in the loss of a driver's license or privilege to drive in this state except as may result from the accumulation of points under AS 28.15.221 — 28.15.261, or the registration of vehicles; nor does a person cited with an infraction have a right to trial by jury or to court-appointed counsel.

Handwritten notes in left margin: "25", "2", "enlarg", "1", "25", "enlarg", "2"

Handwritten note: "AS 28.40.050 amended read:"

Handwritten note: "AS 28.35.250" with an arrow pointing to the text above.

Soldotna Police Department

P. O. Box 2499
Soldotna - Alaska 99669



Duane Udland
Chief of Police

April 23, 1987

Representative John Sund
Alaska State Legislature
Pouch V
Juneau, AK 99811

Dear Representative Sund,

I writing to you concerning House Bill No. 225 which relates to citations for vehicle traffic offenses. This bill would require that fines for traffic citations issued under a municipal ordinance be paid to the clerk of the municipality that issued the citation.

I am opposed to this bill for three primary reasons. First, we would end up having two separate accounting systems for the same citation. The municipality would need one and so would the court. With just the one system we have now have, there are occasionally errors and things become lost. By introducing the city clerk from each municipality into the process, the chances of additional errors due to logistical problems, increases. Such errors could lead to arrest warrants being issued when they shouldn't be.

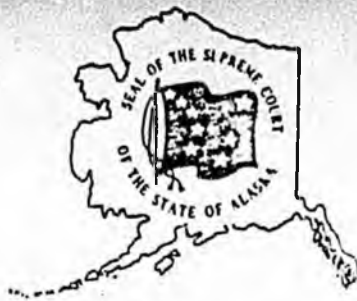
Secondly, things would become confusing in cases where a driver is issued two citations stemming from the same traffic stop. For instance, he may get one citation for speeding under the municipal ordinance and one for not having a valid operators license under state statute. In this situation the driver would have to pay for one citation at the municipal clerk office and then pay the other citation at the courthouse. If he wanted to plead guilty on one citation and contest the other, he would still have to make two trips. I don't think it is fair to the citizen to do this.

Thirdly, the City of Soldotna is feeling the economic pinch, just like the State of Alaska. This bill shifts some of the workload and cost from the court system to my city with no consideration for the impact it has on us.

It just seems logical that people should pay their fines at the court of jurisdiction. I ask that you do not support this bill. Thank you for time.

Sincerely,

Duane S. Udland
Chief of Police



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



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 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

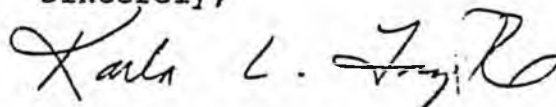
This procedure would benefit the courts, because resources now devoted to processing these payments could be focused on other functions which would benefit both the state and localities, such as pre-arrest screening to determine which defendants are able to bear the costs of counsel appointed at public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

	<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 Hoefflerle, 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

IN THE SUPREME COURT FOR THE STATE OF ALASKA
ORDER NO. 778

Adding new Administrative Rule 43.2 Fish and Game Bail Forfeiture Schedule and repealing previous fish and game bail forfeiture schedule orders.

IT IS ORDERED:

Supreme Court Order No. 627 and No. 654 adopting and revising the Uniform Statewide Fish and Game Bail Forfeiture Schedule are repealed.

Administrative Rule 43.2 is adopted to read as follows:

Administrative Rule 43.2. Fish and Game Bail Forfeiture Schedule.

Pursuant to AS 16.05.165(b), the following fish and game offenses are appropriate for disposition without court appearance upon payment and forfeiture of the bail amounts listed. If a person charged with one of these offenses appears in court and is found guilty, the penalty imposed for the offense may not exceed the bail amount for that offense listed below. An offense for which a bail forfeiture amount has been established shall be charged on a citation which meets the requirements of District Court Criminal Rule 8(c) and shall not be filed, numbered or processed as a criminal case.

<u>Statute or Regulation</u>	<u>Description of Offense</u>	<u>Bail</u>
AS 16.05.330(a)	Sport fishing without license in possession	\$ 75
AS 16.05.330(a)	Hunting without license in possession	100
AS 16.05.340(a) (17) (A)	Taking waterfowl without state duck stamp	75
5 AAC 56.015(b)	Failure to record king salmon or rainbow/steelhead trout landing (freshwaters of the Kenai penninsula)	100
5 AAC 58.015(b)	Failure to record king salmon or rainbow/steelhead trout landing (Cook Inlet-Resurrection Bay saltwater area)	100
5 AAC 61.015(b)	Failure to record king salmon landing (freshwaters of the Susitna-West Cook Inlet area)	100

SUPREME COURT ORDER NO. 778
EFFECTIVE DATE: January 1, 1987
PAGE TWO

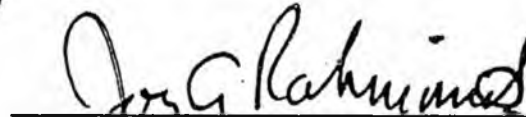
5 AAC 75.020	Sport fishing with more than one line	100
5 AAC 75.022(a) (1)	Using fixed or weighted hook - freshwater	100
5 AAC 75.022(a) (2)	Multiple hook with gap larger than $\frac{1}{2}$ " - freshwater	50
5 AAC 75.022(a) (4)	Unauthorized use of spear - sport fishing	100
5 AAC 75.022(a) (5)	Unauthorized use of arrow - sport fishing	100
5 AAC 75.022(c)	Attempt to snag - freshwater	100
5 AAC 75.022(c)	Fail to release - freshwater	100
5 AAC 92.010	Harvest ticket not in possession; fail to validate	100
5 AAC 92.012(a)	Taking waterfowl without federal duck stamp	75
5 AAC 92.012(a)	Unsigned federal duck stamp	25
5 AAC 92.018	Unsigned state duck stamp	25
5 AAC 92.020	Fail to submit required report	75
5 AAC 92.052(14)	Failure to submit registration permit hunt report	50
5 AAC 92.075(e) (1)	Taking migratory birds with shotgun capable of holding more than 3 shells	50
5 AAC 92.100(a) (1), (2) & (3)	Taking migratory birds by illegal methods	100
5 AAC 92.100(b)	Transportation of migratory bird without fully feathered wing or head attached	50
5 AAC 92.100(c)	Taking migratory birds before or after legal shooting hours	\$50 plus \$2/minute
5 AAC 92.150(a)	Possess mountain sheep without both horns	100

SUPREME COURT ORDER NO. 778
EFFECTIVE DATE: January 1, 1987
PAGE THREE

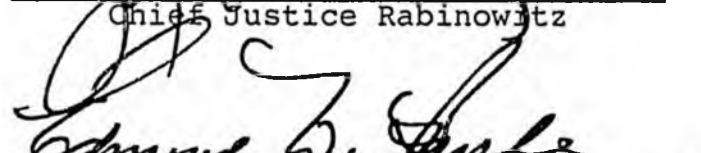
5 AAC 92.150(b)	No evidence of sex attached	100
5 AAC 92.165	Fail to seal bear or possess unsealed bear skin or skull	100
5 AAC 92.170	Fail to seal wolf, wolverine, lynx	100
5 AAC 92.200(d)	Fail to submit required report	75
5 AAC 92.230	Feeding game	50
5 AAC 92.410(b)	Fail to submit required report	75

DATED: November 13, 1986

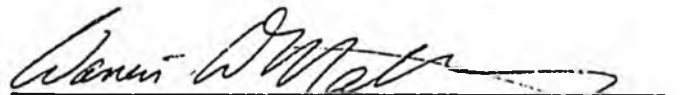
EFFECTIVE DATE: January 1, 1987



Chief Justice Rabinowitz

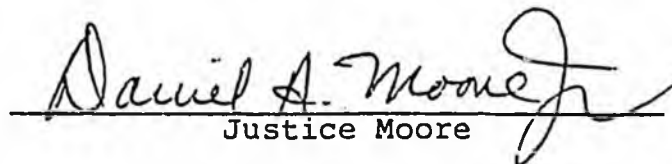


Justice Burke



Justice Matthews

Justice Compton



Justice Moore

IN THE SUPREME COURT FOR THE STATE OF ALASKA
ORDER NO. 777

Adding new Administrative Rule 43.5 Alcohol Bail Forfeiture Schedule and repealing previous bail schedule order.

IT IS ORDERED:

Supreme Court Order No. 758 establishing a schedule of bail forfeiture amounts for a violation of AS 04.11.498 or an ordinance adopted under AS 04.11.498 is repealed.

Administrative Rule 43.5 is adopted to read as follows:

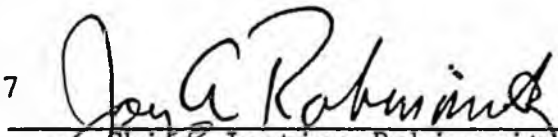
Administrative Rule 43.5. Alcohol Bail Forfeiture Schedule.

Pursuant to AS 04.16.205(c), the following bail forfeiture amount is established for violation of AS 04.11.498 or an ordinance adopted under this statute. If a person charged with this offense appears in court and is found guilty, the penalty imposed for a first or second offense may not exceed the bail amount listed below. An offense for which a bail forfeiture amount has been established shall be charged on a citation which meets the requirements of District Court Criminal Rule 8(c) and shall not be filed, numbered or processed as a criminal case.

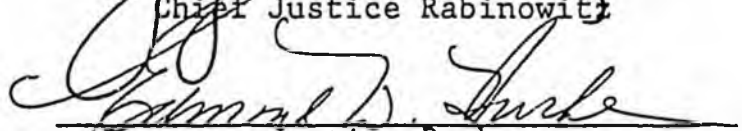
<u>Statute or Ordinance</u>	<u>Description of Offense</u>	<u>Bail Forfeiture Amount</u>
AS 04.11.498 or an ordinance adopted under this statute	Possession of An Alcoholic Beverage in a Community Which Has Voted in a Local Option Election to Prohibit Such Possession	\$100 for first and second offense

DATED: November 13, 1986

EFFECTIVE DATE: January 1, 1987



Chief Justice Rabinowitz

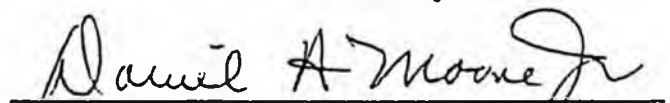


Justice Burke



Justice Matthews

Justice Compton



Justice Moore

IN THE SUPREME COURT FOR THE STATE OF ALASKA
ORDER NO. 776

Adding new Administrative
Rule 43.4 Smoking Bail
Forfeiture Schedule and
repealing previous bail
schedule order.

IT IS ORDERED:

Supreme Court Order No. 595 adopting a bail schedule for violations of AS 18.35.300 and AS 18.35.330 is repealed.

Administrative Rule 43.4 is adopted to read as follows:

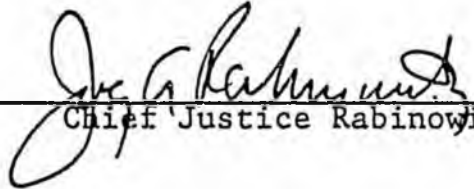
Administrative Rule 43.4. Smoking Bail Forfeiture Schedule.

Pursuant to AS 18.35.341(d), the following bail forfeiture amounts are established for violations of the laws prohibiting smoking in designated public places. If a person charged with one of these offenses appears in court and is found guilty, the penalty imposed for the offense may not exceed the bail amount for that offense listed below. An offense for which a bail forfeiture amount has been established shall be charged on a citation which meets the requirements of District Court Criminal Rule 8(c) and shall not be filed, numbered or processed as a criminal case.

<u>Statute</u>	<u>Description of Offense</u>	<u>Bail</u>
AS 18.35.300	Smoking in a vehicle or indoor place in which smoking is prohibited	\$10
AS 18.35.330	Failure to display smoking and no smoking signs	25


DATED: November 13, 1986

EFFECTIVE DATE: January 1, 1987



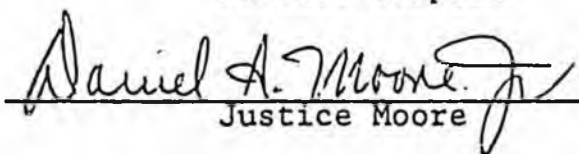
Chief Justice Rabinowitz

Justice Burke



Justice Matthews

Justice Compton



Justice Moore

IN THE SUPREME COURT FOR THE STATE OF ALASKA

ORDER NO. 775

Adding new Administrative Rule 43.1
Traffic Bail Forfeiture Schedule and
repealing previous state traffic bail
schedule orders.

IT IS ORDERED:

The following prior orders adopting and amending the Uniform Traffic Bail Schedule are repealed: No. 200, Amendments 1 and 2 to No. 200, No. 385, No. 491 and the first paragraph of No. 681.

Administrative Rule 43.1 is adopted to read as follows:

Administrative Rule 43.1. Traffic Bail Forfeiture Schedule.

Pursuant to AS 28.05.151(b), the following vehicle and traffic offenses are amenable to disposition without court appearance upon payment and forfeiture of the bail amounts listed. If a person charged with one of these offenses appears in court and is found guilty, the penalty imposed for the offense may not exceed the bail amount for that offense listed below. An offense for which a bail forfeiture amount has been established shall be charged on a citation which meets the requirements of District Court Criminal Rule 8(c) and shall not be filed, numbered or processed as a criminal case.

<u>STATUTE OR REGULATION</u>	<u>DESCRIPTION OF OFFENSE</u>	<u>BAIL</u>
AS 05.30.010	Operating An Unregistered Snow Vehicle	20
AS 05.30.040(a)	Failure to Display Snow Vehicle Numbered Registration Decal	20
AS 28.10.451	Failure to Register Vehicle	50
AS 28.10.461	Plates/Decals/Permits Must Be Properly Attached and Displayed	20
AS 28.10.461	Failure to Carry Certificate of Registration in Vehicle	20
AS 28.10.471	Operating Vehicle w/Expired Registration	50
AS 28.15.011(b)	Driving With Expired License	30

<u>STATUTE OR REGULATION</u>	<u>DESCRIPTION OF OFFENSE</u>	<u>BAIL</u>
AS 28.35.031(e)	Refusal to Submit to a Preliminary Breath Test	50
AS 28.35.135(b)	Failure to Notify Dept. of Change of Name/Address	20
AS 28.35.140	Obstructing or Blocking Traffic	20
AS 28.35.180	Disobedience to Signal of Officer Regulating Traffic	30
AS 28.35.251	Contained or Confined Loads	100
13 AAC 02.005(a)	Disobedience to Traffic Control Devices	30
13 AAC 02.010(a)(1)(A&B)	FTY to Vehicle in Intersection After Green Signal	50
13 AAC 02.010(a)(1)(A&B)	FTY to Pedestrian in Crosswalk After Green Signal	50
13 AAC 02.010(a)(3)(A)	Failure to Stop for Steady Red Traffic Signal	50
13 AAC 02.010(a)(3)(B)	FTY When Turning on Red Signal	50
13 AAC 02.010(a)(3)(B)	Turning on Red Signal When Prohibited	30
13 AAC 02.010(a)(3)(C)	Failure to Stop for Steady Red Arrow	50
13 AAC 02.010(b)	Position of Vehicle Stopping at Intersection	30
13 AAC 02.015	Failure to Obey Pedestrian Control Signal	20
13 AAC 02.020(a)(1)	Failure to Yield After Stopping for Flashing Red Signal	50
13 AAC 02.020(a)(1)	Failure to Stop for Flashing Red Signal	50
13 AAC 02.025	Lane Use Control Signals	30
13 AAC 02.030(a)	Display of Unauthorized Signs, Signals, or Markings	20

<u>STATUTE OR REGULATION</u>	<u>DESCRIPTION OF OFFENSE</u>	<u>BAIL</u>
13 AAC 02.050(a)	Failure to Drive on Right Side of Roadway	30
13 AAC 02.050(a)(3)	FTY When Driving Left of Obstructed Roadway	50
13 AAC 02.050(b)	Vehicle Not to Use Left Lane at Less than Speed Limit	30
13 AAC 02.050(b)	Turn Off Required When 5 or More Vehicles Are Behind	50
13 AAC 02.055(a)	Improper Overtaking on Right	30
13 AAC 02.055(b)	Return to Lane Only When Clear	50
13 AAC 02.060(a)	Limitations on Driving Left of Center	30
13 AAC 02.065(a)	Improper Overtaking on the Left	30
13 AAC 02.065(a)	FTY to Overtaking Vehicle	50
13 AAC 02.065(b)	FTY to On-Coming Traffic When Passing	50
13 AAC 02.070	FTY 1/2 of Roadway to On-coming Vehicle and Failure to Pass on Right of On-coming Vehicle	50
13 AAC 02.075(b)	Passing/Driving Left of Center in No Pass Zone	50
13 AAC 02.080(b-c)	Wrong Way on One-Way Roadway	30
13 AAC 02.085(a)	Improper Lane Change	30
13 AAC 02.085(b)	Improper Use of Center Lane of 3-Lane Roadway	30
13 AAC 02.090(a-c)	Following Too Closely	50
13 AAC 02.095(a)	Driving Over, Across or Within Barrier/Median	50
13 AAC 02.095(a)	Failure to Stay on Right Side of Divided Highway	50
13 AAC 02.095(c)	Improper Entry/Exit-Controlled-Access Highway	30

<u>STATUTE OR REGULATION</u>	<u>DESCRIPTION OF OFFENSE</u>	<u>BAIL</u>
13 AAC 02.107	Drive Nearest Right Edge on Narrow/Winding Roadway	30
13 AAC 02.120(a)	FTY to Vehicle on Right at Unsigned Intersection	50
13 AAC 02.120(b)	FTY to Vehicle Entering Intersection After Stop	50
13 AAC 02.125	FTY When Turning Left	50
13 AAC 02.130(b)	Improper Position of Vehicle Stopping at Stop Sign	30
13 AAC 02.130(b-c)	FTY After Stopping or at Yield Sign	50
13 AAC 02.130(b)	Failure to Stop for Stop Sign	50
13 AAC 02.135(b)	FTY When Entering Roadway from Non-Roadway	50
13 AAC 02.140(c)	Driver of Emergency Vehicle Not to Disregard Safety	30
13 AAC 02.150(a-b)	Pedestrians Subject to Traffic Regulations	20
13 AAC 02.155(a)	FTY to Pedestrian in Crosswalk	50
13 AAC 02.155(b)	Pedestrian to Exercise Due Caution	20
13 AAC 02.155(c)	Vehicle Not to Pass Vehicle Stopped for Pedestrian	50
13 AAC 02.155(e)	Not to Drive Within or Through Pedestrian Safety Zone	30
13 AAC 02.160(a-f)	Pedestrian Crossing at Other than Crosswalks	20
13 AAC 02.175(a-e)	Pedestrian to Use Sidewalk/Left Edge of Roadway and Not Interfere, Sleep, Loiter or Obstruct	20
13 AAC 02.180	Pedestrian Not to Distract Drivers When Soliciting Rides and Pedestrian Not to Solicit Employment, Business or Contributions from Vehicle Occupants	20

<u>STATUTE OR REGULATION</u>	<u>DESCRIPTION OF OFFENSE</u>	<u>BAIL</u>
13 AAC 02.190(a)	FTY to Pedestrian w/White Cane/ Guide Dog	50
13 AAC 02.190(b)	Not to Use White Cane/Guide Dog Unless Blind	20
13 AAC 02.195(a)	Pedestrian FTY to Authorized Emergency Vehicle	20
13 AAC 02.200(a-c)	Improper Position/Method Turning at Intersection	30
13 AAC 02.205(a-b)	U-Turn Only When Safe/Not on Hill, Crest or Curve	30
13 AAC 02.210	Improper Start From Parked/ Stopped/Standing	30
13 AAC 02.215 (a-f)	Signals Required Turn/Stop/Slowing- Discontinue After	30
13 AAC 02.240 (a-b)	Obedience to Train Signals and Barriers	50
13 AAC 02.250(a)	Certain Vehicles to Stop at All Railroad Crossings	50
13 AAC 02.255 (a&b)	Heavy Equipment to Give Notice of RR Crossing	20
13 AAC 02.255 (a&c)	Heavy Equipment to Stop at RR Crossing	50
13 AAC 02.257	Give Warning w/Horn When Vision Restricted/Alley/Driveway/Bldgs.	30
13 AAC 02.257	Stop: Emerging from Alley/ Driveway/Building	50
13 AAC 02.257	Position of Stop When Emerging From Alley/Driveway/Bldg.	30
13 AAC 02.265	Stop When Traffic May be Obstructed	30
13 AAC 02.275(a)	Basic Speed: Reasonable & Prudent for Road Conditions	30
13 AAC 02.275(b)	Speeding: 3-9 mph over posted limit	4/mi.
	10-19 mph over posted limit	4/mi.

<u>STATUTE OR REGULATION</u>	<u>DESCRIPTION OF OFFENSE</u>	<u>BAIL</u>
13 AAC 02.280(a-d)	Altered Speed Limits: 3-9 mph over posted limit	4/mi.
	10-19 mph over posted limit	4/mi.
13 AAC 02.295	Minimum Speed Regulation	30
13 AAC 02.323(a)	Speed Limitation on Motor-Driven Cycles at Night	30
13 AAC 02.325(b),(c),(e)	Special Speed Limit When: Towing Mobile Home/Equipped with Lighted Headlights/ Passing School Bus with Flashing Yellow Lights	
	3-9 mph over	4/mi.
	10-19 mph over	4/mi.
13 AAC 02.325(f)	Overweight, Oversize or Excess Speed When Crossing Over Bridge or Through Tunnel	
	3-9 mph over	4/mi
	10-19 mph over	4/mi
	Overwidth	25/ft
	Overlength	10/ft
	Overweight	.05/lb
13 AAC 02.340(a-d)	Stopping/Standing/Parking on Highway/Other Location	10
13 AAC 02.365(a-g)	Additional Parking Regulations	10
13 AAC 02.367(d)	Not to Stop/Stand/Park in Loading Zone	10
13 AAC 02.372(b)	Position of Bus Stopping to Load/Unload Passengers	10
13 AAC 02.372(c)	Taxi Cab Restrictions on Standing/Parking	10
13 AAC 02.372(d)	Stop/Stand in Bus Stop/Taxi Stand	10
13 AAC 02.377(c-f)	Parking Meter Violations	7

<u>STATUTE OR REGULATION</u>	<u>DESCRIPTION OF OFFENSE</u>	<u>BAIL</u>
13 AAC 02.395(b-e)	Special Bicycle Violations	20
13 AAC 02.400(a-h)	Riding Bicycles on Roadways/ Bike Paths	20
13 AAC 02.420(a-c)	Parking of Bicycles	10
13 AAC 02.425(a-d)	Special Motorcycle Violations	30
13 AAC 02.427(a)	Motor Vehicle Not to Deprive Motorcycle of Full Lane Use	30
13 AAC 02.427(a)	Motorcycles More than Two Abreast	30
13 AAC 02.427(b)	Motorcycle Passing in Same Lane As Other Motor Vehicle	30
13 AAC 02.445	Snowmobile and Other Off-Highway Vehicle Violations	20
13 AAC 02.455(a-g)	Snowmobile and Other Off-Highway Vehicle Operation on Highways and Other Locations	20
13 AAC 02.480	Requirements for Unattended Motor Vehicle	20
13 AAC 02.482(a)	Bicycles/Pedestrians Traveling in Prohibited Area	20
13 AAC 02.482(a)	Driving a Motor Vehicle Where Prohibited	30
13 AAC 02.482(b)	Non-Motorized Vehicle to Yield to Traffic on Roadway	20
13 AAC 02.485(a-b)	Limitation on Backing	30
13 AAC 02.487	Driving Vehicle on Sidewalk	30
13 AAC 02.495(a-c)	Obstructing Driver's View/ Control of Vehicle	30
13 AAC 02.495(d)	Opening Doors/Entering or Leaving When Vehicle in Motion	20
13 AAC 02.495(e-f)	Person Riding Outside Vehicle Or In Trailer	20
13 AAC 02.497(a)	Interfering w/Funeral Procession	30

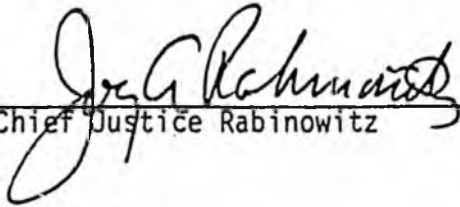
<u>STATUTE OR REGULATION</u>	<u>DESCRIPTION OF OFFENSE</u>	<u>BAIL</u>
13 AAC 02.497(b)	Requirements for Drivers in Funeral Procession	30
13 AAC 02.497(c)	Permit Requirements for Funeral Procession/Parade	20
13 AAC 02.505(d-e)	Motor Vehicle Drivers to Exercise Due Care Re Animals	30
13 AAC 02.515	Coasting Prohibited	30
13 AAC 02.517(a-g)	Emergency Vehicle Regulations	30
13 AAC 02.520(a)	Following Emergency Vehicle Closer Than 500 Feet	50
13 AAC 02.520(b)	Improper Stopping/Parking at Emergency Scene	20
13 AAC 02.520(c)	Crossing Fire Hose	30
13 AAC 02.530(d)	Haul/Drag Material Causing Damage to Highway	30
13 AAC 02.532	RR Trains Not to Block Roadways	20
13 AAC 02.545(a)	Drinking While Driving	50
13 AAC 02.545(b)	Drivers to Exercise Due Care to Avoid Collision	30
13 AAC 04.003	Minimum Equipment Required for Sale/Rent/Lease/Loan	20
13 AAC 04.004(a-c)	Sale or Use of Equipment	20
13 AAC 04.005	Disconnection/Alteration of Equipment	20
13 AAC 04.006(b-c)	Submit to Roadside Vehicle Inspection	30
13 AAC 04.009(a-c)	Prohibited Practices - Inspection/Repair	20
13 AAC 04.010	Illuminate Lights as Required	30
13 AAC 04.015(a)	Lights in Good Working Order/Not Obstructed	20
13 AAC 04.020(e)(1&2)	Headlight Dimming Requirements	30

<u>STATUTE OR REGULATION</u>	<u>DESCRIPTION OF OFFENSE</u>	<u>BAIL</u>
13 AAC 04.070(e)	Parking Lights Not Used When Vehicle in Motion	30
13 AAC 04.095(d),(g),(i)	Flashing Yellow Lights Used When Required	30
13 AAC 04.097(a)	Use of Flashing Red Light-School Bus	30
13 AAC 04.100(a-h)	Improper Use of Flashing Blue Lights	30
13 AAC 04.145(a-e)	Improper Use of Auxiliary/Spot Lights	30
13 AAC 04.210(a)	Failure to Give Audible Warning as Required	20
13 AAC 04.225(a-b)	View Not to be Obstructed	30
13 AAC 04.240(a-c)	Flares/Other Warning Devices Requirements	20
13 AAC 04.245(a-i)	Display of Warning Lights/Devices	20
13 AAC 04.247(d)	Improper Use of Signs/Stop Arm on School Bus	30
13 AAC 04.250(a),(d)	Requirements for Transporting Hazardous Material	20
13 AAC 04.250(b)	Give Notice of Transporting Hazardous Material	20
13 AAC 04.252(a-c)	Slow Moving Vehicle Emblem Requirements	20
13 AAC 04.260(a-c)	Restrictions on Television/Headset in Motor Vehicle	20
13 AAC 04.275(a-e)	Connections/Safety Devices-Towed Vehicles	20
13 AAC 04.320(d)	Lights Turned On When on Hwy-Motor Driven Cycle	30
13 AAC 04.350(a)	Helmet Required-Minors/Passengers (AS 28.35.245 exempts adults)	20
13 AAC 04.350(b)	Eye-Protective Device Required When No Windscreen	20

<u>STATUTE OR REGULATION</u>	<u>DESCRIPTION OF OFFENSE</u>	<u>BAIL</u>
13 AAC 04.350(c)	Minimum Equip. for Rent/Lease/ Loan of Motorcycle	20
13 AAC 06.020(a)	Refusing to Submit Vehicle to Inspection or Test	30
13 AAC 06.020(b)	Operating Vehicle After Being Directed to Have it Repaired	20
13 AAC 06.040(a)	Failure to Stop & Submit to Roadside Inspection	30
13 AAC 08.140	Unlawful Use of Classified License	30
17 AAC 40.030(a)(1)	Operate Vehicle in Accordance With General Rules at Airport	30
17 AAC 40.030(a)(2),(c)(3)	Speeding:	
	3-9 mph over prescribed limits	4/mi
	10-19 mph over prescribed limits	4/mi
17 AAC 40.030(b)(1-4)	For-Hire Vehicles Must Obtain Permit	20
17 AAC 40.030(b)(5)	For-Hire Vehicles Not to Solicit Passengers	20
17 AAC 40.030(c)(1)	Improper Operation on Runways, Taxiways, Etc.	30
17 AAC 40.030(c)(4)	Ramp Operator's Permit Required for Ramp Operation	20
17 AAC 40.030(d)(1)&(d)(3)	Illegal Parking/Abandoning Vehicle	10
17 AAC 40.030(d)(2)	Expired Parking Meter	7
17 AAC 40.030(e)	Improper Operation of Vehicle Inside Buildings	30
17 AAC 40.420(a)	Permit Required for Operation on Landing Area/Apron/Etc.	20
17 AAC 40.420(b)	Operate Vehicle For Disposing Garbage/Waste Material	20
17 AAC 40.440(b)	Vehicles to Have Proper Identification	20

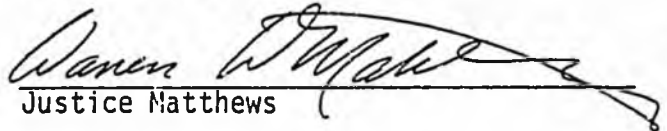
DATED: November 13, 1986

EFFECTIVE DATE: January 1, 1987



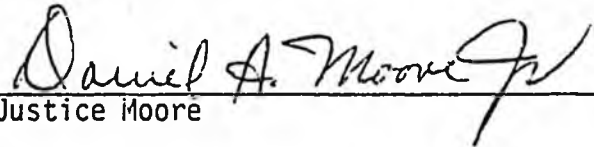
Chief Justice Rabinowitz

Justice Burke



Justice Matthews

Justice Compton



Justice Moore

IN THE SUPREME COURT FOR THE STATE OF ALASKA
ORDER NO. 774

Adding new Administrative
Rule 43.3 Parks Bail
Forfeiture Schedule and
repealing previous bail
schedule order.

IT IS ORDERED:

Supreme Court Order No. 655 adopting the Uniform Statewide Bail Forfeiture Schedule for Offenses Within State Park and Recreational Facilities is repealed.

Administrative Rule 43.3 is adopted to read as follows:

Administrative Rule 43.3. Parks Bail Forfeiture Schedule.

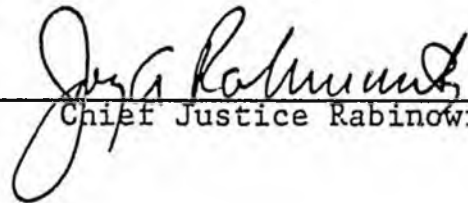
Pursuant to AS 41.21.960(b), the following offenses committed within a park or recreational facility are amenable to disposition without court appearance upon payment and forfeiture of the bail amounts listed. If a person charged with one of these offenses appears in court and is found guilty, the penalty imposed for the offense may not exceed the bail amount for that offense listed below. An offense for which a bail forfeiture amount has been established shall be charged on a citation which meets the requirements of District Court Criminal Rule 8(c) and shall not be filed, numbered or processed as a criminal case.

<u>Regulation</u>	<u>Description of Offense</u>	<u>Bail</u>
11 AAC 12.020	Traffic Control	\$ 50
11 AAC 12.050	Refuse and Waste	100
11 AAC 12.100	Vehicles	50
11 AAC 12.110	Motor Vehicle Operations	50
11 AAC 12.120	Horses	50
11 AAC 12.130	Pets	50
11 AAC 12.150	Construction of Signs	50
11 AAC 12.160	Assembly	50
11 AAC 12.180	Fires	50

11 AAC 12.190	Firearms and Other Weapons	100
11 AAC 12.195	Explosives	100
11 AAC 12.200	Underwater Diving	50
11 AAC 12.230(a)	Camping Outside Developed Campground	50
11 AAC 12.230(b)	Unauthorized Camping Over 15 Days	50
11 AAC 12.230(c)	Return to Campground in 15 Days or Less	200
11 AAC 12.240	Vandalism	100
11 AAC 12.245	Public Use Cabins	100
11 AAC 12.335(e)	Closures and Use Management	50
11 AAC 20.905	Use of Alcoholic Beverages	50

DATED: November 13, 1986

EFFECTIVE DATE: January 1, 1987



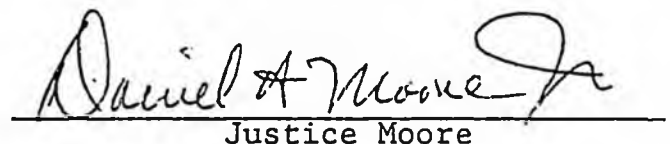
Chief Justice Rabinowitz

Justice Burke



Justice Matthews

Justice Compton



Justice Moore