

SB

247

5-1044B  
Ford  
5/12/87

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.  
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STATE OF ALASKA 1987 LEGISLATIVE SESSION  
FISCAL NOTE

Bill Version: SB 247

Publish Date: \_\_\_\_\_

REQUEST

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

Agency Affected: Public Safety

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

BRU: Alaska State Troopers

Sponsor: Judiciary Committee

Components: Detachments & CIR

Requestor: Senate State Affairs

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 87	FY 88	FY 89	FY 90	FY 91	FY 92
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
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 *A.C.A.*  
Division: Alaska State Troopers

Phone: 269-5691

Date: 4/15/87

Approved by Commissioner: \_\_\_\_\_  
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

*JMR*  
*4/14/87*

BILL NO: SB 247

DATE: 4/21/87

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

CONTACT: James D. Vaden  
Deputy Commissioner

DEPARTMENT OF PUBLIC SAFETY

POSTMASTER /

Provides uniformity of procedures involving disposition of vehicle or traffic offenses issued under municipal ordinances.

This proposed legislation will not affect the Division of Alaska State Troopers since municipal ordinances are not enforced by A.S.T.

The Division of Alaska State Troopers is neutral on this legislation.

  
Arthur English  
Commissioner

STATE OF ALASKA 1987 LEGISLATIVE SESSION  
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*JrR  
4/15/87*

*[Signature]*