

SB

247

SENATE COMMITTEE REPORT

FIRST COMMITTEE OF REFERRAL

Date of 4.15.87 5-DAY NOTICE
IN ACCORDANCE WITH UNIFORM RULE 23

FURTHER: TRANSPORTATION
JUDICIARY

**FISCAL NOTE(S) ATTACHED _____ **
IN ACCORDANCE WITH AS 24.08.035
(see below)

4/9/87

DATE TURNED INTO OFFICE 4.22.87

Mr. President:

STATE AFFAIRS Committee considered SB 247

citations for vehicle and traffic offenses.

and recommended:

- replace with CS _____ same title
- attached amendment(s) and new title

do pass

do not pass

no recommendation

individual recommendations

further referral to _____

letter of intent adopted and attached

** Committee attached or adopted fiscal note(s)
 zero fiscal impact

MEMBERS SIGNING DO PASS

OTHER RECOMMENDATIONS

[Signature] (DO PASS)

[Signature] w/ke

[Signature]
Chairman signature and recommendation

Committee Backup Attached



Alaska Court System
State of Alaska

OFFICE OF ADMINISTRATIVE DIRECTOR

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MAR 9 1987

(907) 264-8220

March 9, 1987

Senator Jay Kerttula
Alaska State Legislature
P. O. Box V
Juneau, Alaska 99811

Dear Senator Kerttula:

The Alaska Court System requests that the Senate Judiciary Committee consider legislation requiring municipalities to process uncontested minor offense citations issued by their enforcement officers. A copy of a proposed draft and sectional analysis is attached.

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.

Senator Jay Kerttula
March 9, 1987
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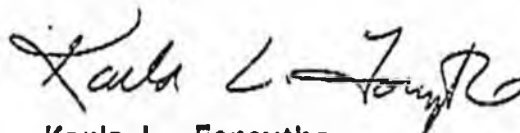
This procedure would benefit the courts, because resources now devoted to processing these payments could be focused on other functions which would benefit both the state and localities, such pre-trial screening to determine which defendants are able to bear the costs of counsel appointed at public expense. 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. The court system's proposal would authorize 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 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 minor offense 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

Att.

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

3/9/87-7

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: (Attach a separate page if necessary)

No fiscal impact is anticipated.

JAC
4/14/87

Prepared by: Francis C. Allan G.C.A.

Phone: 269-5691

Division: Alaska State Troopers

Date: 4/15/87

Approved by Commissioner: _____

[Signature]

Date: 4/16/87

Agency: Public Safety

Distribution (by preparer):

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

Alaska State Legislature

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Senator Mitch Abood
CHAIRMAN

Senate Committee on State Affairs

Sectional Analysis for SB 247. "An Act relating to citations for vehicle and traffic offenses."

Section 1. 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.

Section 2. This section 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.

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.