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247

STATE OF ALASKA 1987 LEGISLATIVE SESSION
FISCAL NOTE

Bill Version: SB 247

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

Publish Date: _____
 Agency Affected: Public Safety
 BRU: Alaska State Troopers
 Components: Detachments & CIB

EXPENDITURES/REVENUES: (Thousands of Dollars)

	FY 87	FY 88	FY 89	FY 90	FY 91	FY 92
OPERATING						
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.

Prepared by: Francis C. Allan *G.C.A.* Phone: 269-5691
 Division: Alaska State Troopers Date: 4/15/87

Approved by Commissioner: *Jimmie* 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

page ____ of ____

Fiscal Note

SENATE COMMITTEE REPORT

FURTHER: JUDICIARY

4/23/87

DATE TURNED INTO OFFICE May 7, 1987

Mr. President:

TRANSPORTATION Committee considered SB 247

citations for vehicle and traffic offenses.

and recommended:

[] replace with CS FOR _____) [] same title
[] or adopt _____ CS FOR _____) [] new title

[] attached amendment(s) and

do pass

[] do not pass

[] no recommendation

[] individual recommendations

[] further referral to _____

[] letter of intent adopted _____

Committee attached or [] adopted fiscal note(s)

[] new [] updated or previous

zero [] fiscal impact

MEMBERS SIGNING DO PASS

OTHER RECOMMENDATIONS

Terry Kelly - D. Pan
[Signature]
[Signature]
[Signature]

[Signature] (Do Pass)
Chairman signature and recommendation

[] Committee Backup Attached

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

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

POSITION PAPER

Position Paper: Dept of
- Public Safety -

SECTIONAL ANALYSIS

SB 247: 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.



Alaska Court System
State of Alaska

OFFICE OF ADMINISTRATIVE DIRECTOR

KARLA L. FORBYTHE
STAFF COUNSEL

303 K Street
Anchorage, Alaska 99501

(907) 264-8228

April 22, 1987

Senator Mitch Abood
Alaska State Legislature
P. O. Box V
Juneau, Alaska 99811

Dear Senator Abood:

I am writing to provide background about SB 247, 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.

Letter of Explanation:
- Alaska Court System. -

Senator Mitch Abood
April 22, 1987
Page Two

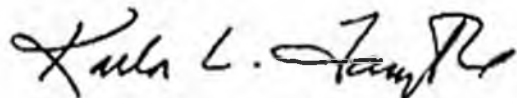
This procedure would benefit the courts, because resources now devoted to processing these payments could be focused on other functions which would benefit both the state and localities, such as pre-trial screening to determine which defendants are able to bear the costs of counsel appointed at public expense. Stepped-up efforts by the court to screen these defendants would result in decreased costs to municipalities because of the decreased burden of payment 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 hop this information is helpful to the committee. I have also attached a sectional analysis of the bill, an estimate of municipal revenues derived from these offenses, and an explanation of how traffic tickets are processed in Juneau. If I can provide additional background, please let me know.

Sincerely,



Karla L. Foraythe
Staff Counsel

KLF:bs

Att.

cc: Arthur H. Snowden, II
Administrative Director

4/22/87-3

TRAFFIC TICKETS IN JUNEAU

When a defendant is charged with a traffic offense by the Juneau Police Department, the envelope is addressed to the police department.

Municipal offenders make bail payments directly to the police department. If the bail is paid, the yellow copy of the citation is forwarded to the court (usually hand-carried on the day it is paid). The court enters information about the citation and the points into ASPIN. Bail for municipal violations is retained by the police department.

If the defendant pleads not guilty, the original of the citation, the yellow copy and bail are hand-carried to the court to set a court trial date. The court sets up the traffic calendar for both state and municipal violations. Traffic court is held every Wednesday. Payment after the court finds the defendant guilty is made directly to the court. A person from the Juneau Police Department attends traffic court to record dispositions.

If there is no response to the citation, the police department first sends a letter to the defendant. If there is still no response, the police department attempts to call the defendant and notes the attempts on the letter. If there is no contact or response within two to three weeks after the citation is issued, the police department hand-carries the citation to the court along with a copy of the bench warrant which the police department has prepared. The citation is accompanied by the letter which notes the attempts at contact. The court signs the warrant and it is served by city police officers. If a state offense is involved, the court issues an order to show cause.

If the defendant appears at the police department to pay bail or to plead guilty after the court date, the police department accepts the money. If an arrest warrant has been issued, the defendant is referred to court to post bail. If the defendant wants to plead not guilty, the court quashes the bench warrant and sets up a court trial date.

The police department and court system computers operate independently. The city has developed a special program called Police Citation Subsystem to track the citations. Neither the city or the court is involved with a defensive driving program.

The court stores copies of any citations it has adjudicated. For those citations which remain with the city, the city keeps a copy for seven years. The city uses bench warrant and order to show cause forms which the court has developed.

For calendar year 1986, the Juneau Police Department processed 1,151 moving violation tickets, 12,831 parking tickets, 508 equipment violation tickets, and 825 tickets at the airport. Other minor offenses processed by the police include 1,367 harbor offenses, 546 canine offenses, 22 litter offenses, and 25 smoke hazard offenses. According to Connie Krebs at the police department, the present staff consists of two (one of whom processes criminal citations not covered by this bill). The department will be receiving an additional clerk position due to the number of citations which are being processed.

Municipality of Juneau

Memorandum

Alaska Court System

TO: Karla Forsythe
General Counsel

DATE : February 26, 1987

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

SUBJECT: Estimate of Municipal Revenues

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

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

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

Municipal Traffic Revenues 1986

	Anchorage		Fairbanks	
	\$	¢	\$	¢
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

Uncontested Citation Revenue