

HB

261

HFIN

FILE

HOUSE COMMITTEE REPORT

(11)
Date Referred to Committee: March 4, 1998

FURTHER REFERRALS:

Date of Committee Action: 3/11/98

The FINANCE Committee considered:

HB 261

HOUSE BILL NO. 261

LAW ENFORCEMENT TRAINING SURCHARGE

"An Act relating to a surcharge imposed for violations of state or municipal law and to the Alaska police training fund."

recommends it be replaced with the following committee substitute CS HB 261 (Fin) the same title a new title

additional referral to _____ Committee
 attached amendment(s)

ADOPTS: _____ Letter of Intent

ATTACHES NEW FISCAL NOTE(S): (Dept) _____ APPROVES PREVIOUS: (Dept/Date) _____
 fiscal note(s) DPS, Court fiscal note(s) _____

zero fiscal note(s) DPS zero fiscal note(s) DOA 3/4/98

| SIGNING WITH RECOMMENDATIONS | DP | DNP | NR | AM |
|--|----|-----|----|----|
| <i>Gene Therriault</i> Therriault | | | X | |
| <i>John Davies</i> Davies | X | | | |
| <i>Barbara Gressendorf</i> Gressendorf | X | | | |
| <i>William Moses</i> Moses | X | | | |
| <i>John Davis</i> DAVIS | X | | | |
| <i>John Kelly</i> Kelly | | | | ✓ |
| <i>John Foster</i> Foster | | | | |
| <i>[Signature]</i> | X | | | |
| <i>[Signature]</i> | | X | | |
| | | | | |
| | | | | |

CHAIR'S SIGNATURE

Gene Therriault

FISCAL NOTE

**STATE OF ALASKA
1998 LEGISLATIVE SESSION**

BILL NO. CSHB 261 (FIN)

Revision Date: 03/10/98
Title: Surcharge for violations of state and
municipal violations
Sponsor: Rep. Davis
Requestor: _____

Dept. Affected: Alaska Court System
BAU: Trial Courts
Component: _____
COMPONENT SERIAL NO. 788

Expenditures/Revenues

(Thousands of Dollars)

| OPERATING EXPENDITURES | FY 98 | FY 00 | FY 01 | FY 02 | FY 03 | FY 04 |
|------------------------|------------|------------|------------|------------|------------|------------|
| PERSONAL SERVICES | | | | | | |
| TRAVEL | | | | | | |
| CONTRACTUAL | | | | | | |
| SUPPLIES | 5.0 | | | | | |
| EQUIPMENT | | | | | | |
| LAND & STRUCTURES | | | | | | |
| GRANTS & CLAIMS | | | | | | |
| MISCELLANEOUS | | | | | | |
| TOTAL OPERATING | 5.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 |

| | | | | | | |
|----------------------|--|--|--|--|--|--|
| CAPITAL EXPENDITURES | | | | | | |
|----------------------|--|--|--|--|--|--|

| | | | | | | |
|------------------------|--|--|--|--|--|--|
| CHANGE IN REVENUES () | | | | | | |
|------------------------|--|--|--|--|--|--|

Fund Sources

(Thousands of Dollars)

| | | | | | | |
|--------------------------|------------|------------|------------|------------|------------|------------|
| 1002 Federal Receipts | | | | | | |
| 1003 GF Match | | | | | | |
| 1004 GF | 5.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 |
| 1008 GF/Program Receipts | | | | | | |
| 1037 GF/Mental Health | | | | | | |
| Other | | | | | | |
| TOTAL | 5.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 |

Estimate of any current year (FY 98) cost: \$ None

Positions

| | | | | | | |
|-----------|--|--|--|--|--|--|
| Full-Time | | | | | | |
| Part-Time | | | | | | |
| Temporary | | | | | | |

ANALYSIS: (Attach a separate page if necessary)

See attached analysis

Prepared by: C. S. Christensen III, General Counsel
 Agency: Alaska Court System

Approved by: Stephanie J. Cole, Administrative Director
 Agency: Alaska Court System

Phone: 284-8228
 Date: 03/10/98

Date: 03/10/98

PREPARED TO PROVIDE ALL DISTRIBUTION COPIES TO GOVERNOR'S LEGISLATIVE OFFICE

Alaska Court System
Fiscal Analysis
CSHB 261 (FIN)

This legislation will impose a surcharge on felonies, misdemeanors and violations which result in a fine. Court system forms will have to be revised to accommodate information on the surcharge.

Supplies

Producing and distributing new forms

One-time cost

\$ 5,000

FISCAL NOTE

STATE OF ALASKA
1998 LEGISLATIVE SESSION

BILL NO: CSHB 261(Jud)

Revision Date: 3-11-98 Dept. Affected: Alaska Police Standards Council
 Title: An Act...Surcharge imposed for violations... and to the Alaska Police Training Fund. BRU: Alaska Police Standards Council
 Sponsor: Rep. Davis Component: _____
 Requestor: (H) FN COMPONENT SERIAL NO. _____

EXPENDITURES/REVENUES: (Thousands of Dollars) (inflation not included)

| OPERATING | FY 99 | FY 00 | FY 01 | FY 02 | FY 03 | FY 04 |
|---|--------------|---------------|---------------|---------------|---------------|---------------|
| PERSONAL SERVICES | | | | | | |
| TRAVEL | | | | | | |
| CONTRACTUAL | 573.5 | 1147.0 | 1147.0 | 1147.0 | 1147.0 | 1147.0 |
| SUPPLIES | | | | | | |
| EQUIPMENT | | | | | | |
| LAND & STRUCTURES | | | | | | |
| GRANTS CLAIMS | | | | | | |
| MISCELLANEOUS | | | | | | |
| TOTAL OPERATING | 573.5 | 1147.0 | 1147.0 | 1147.0 | 1147.0 | 1147.0 |
| CAPITAL EXPENDITURES | -0- | -0- | -0- | -0- | -0- | -0- |
| CHANGE IN REVENUES () Revenue Code | 573.5 | 1147.0 | 1147.0 | 1147.0 | 1147.0 | 1147.0 |

FUNDING: (Thousands of Dollars)

| | | | | | | |
|--------------------------|-------|--------|--------|--------|--------|--------|
| 1002 Federal Receipts | | | | | | |
| 1003 GF Match | | | | | | |
| 1004 GF | | | | | | |
| 1005 GF/Program Receipts | 573.0 | 1147.0 | 1147.0 | 1147.0 | 1147.0 | 1147.0 |
| 1006 GF/MHTIA | | | | | | |
| Other | | | | | | |
| TOTAL | | | | | | |

Estimate of current year (FY 98) impact: \$ 396.1

POSITIONS:

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

ANALYSIS: (Attach a separate page if necessary.)

Funding from the program receipts provided by HB 261 will allow the Alaska Police Standards Council to fully support the basic training needs for the statewide law enforcement and corrections community. It will also allow the Council to support in-service and specialized training for the 2000 officers representing 50 police agencies, 12 correctional institutions and the Village Public Safety program.

Considering administrative start-up of HB 261 during FY 99, the estimated projection for collections is 50% (573.5) of FY 00 projections. New revenue from HB 261 for FY 00 is projected at 1147.0.

Prepared By: Laddie Shaw Phone: 465-4378
 Division: Alaska Police Standards Council Date: 3-11-98
 Approved by Commissioner: *Ronald L. Otte* Date: 3-11-98
 Agency: Ronald L. Otte, Dept. of Public Safety

PREPARER TO PROVIDE ALL DISTRIBUTION COPIES TO GOVERNOR'S LEGISLATIVE OFFICE

**FISCAL NOTE
HB261
ATTACHMENT A**

2,250 Felony convictions in 1997 at \$85.00 = \$191,250.00 (191.3)

3,972 DWI related convictions in 1997 at \$75.00 = \$297,900.00 (297.9)

16,425 Misdemeanor convictions in 1997 at \$45.00 = \$739,170.00 (739.2)

\$245,700 infractions (\$10.00) collected in FY97 at \$15.00 = \$368,550 (368.6)

Total estimated revenue generated as a result of surcharges = \$1,597.00

Felony, misdemeanor and DWI related convictions for 1997 obtained from DPS Information Systems. Infraction information obtained from APSC for FY97.

REVENUE ESTIMATES (FY00)

| | |
|--|----------------------|
| With HB261 (New Program Receipts) Total | 1,597.0 |
| Without HB261 (Existing Program Receipts) Estimate | <u><450.0></u> |
| New Program Receipt Revenue Generated By HB261 | 1,147.0 |
| FY 99 1st Year Start Up Estimate | 573.5 |

EXPENDITURE ESTIMATE

| | |
|---|-------------------|
| FY99 - Existing Surcharge Receipt Estimate | 450.0 |
| Total Surcharge Receipts Available HB 261 (FY00) | 1147.0 |

FISCAL NOTE

STATE OF ALASKA
1998 LEGISLATIVE SESSION

BILL NO: HB 261

Revision Date: 02/11/98 Dept. Affected: Public Safety
 Title: An Act ...surcharge imposed for violations... and to the Alaska police training fund. BRU: Alaska State Troopers
 Sponsor: Rep. Davis Component: _____
 Requestor: H. Judiciary COMPONENT SERIAL NO. 0799

EXPENDITURES/REVENUES: (Thousands of Dollars) (inflation not included)

| OPERATING | FY 99 | FY 00 | FY 01 | FY 02 | FY 03 | FY 04 |
|------------------------|------------|------------|------------|------------|------------|------------|
| PERSONAL SERVICES | | | | | | |
| TRAVEL | | | | | | |
| CONTRACTUAL | | | | | | |
| SUPPLIES | | | | | | |
| EQUIPMENT | | | | | | |
| LAND & STRUCTURES | | | | | | |
| GRANTS, CLAIMS | | | | | | |
| MISCELLANEOUS | | | | | | |
| TOTAL OPERATING | -0- | -0- | -0- | -0- | -0- | -0- |
| CAPITAL | -0- | -0- | -0- | -0- | -0- | 0- |

| | | | | | | |
|--------------------------|--|--|--|--|--|--|
| CHANGE IN REVENUES (+) | | | | | | |
| Revenue Code | | | | | | |

FUNDING: (Thousands of Dollars)

| | | | | | | |
|-----------------------|------------|------------|------------|------------|------------|------------|
| 1002 Federal Receipts | | | | | | |
| 1003 GF Match | | | | | | |
| 1004 GF | | | | | | |
| 1005 GF/Program | | | | | | |
| 1006 GF/MHTIA | | | | | | |
| Other | | | | | | |
| TOTAL | -0- | -0- | -0- | -0- | -0- | -0- |

Estimate of current year (FY 98) impact: \$ _____

POSITIONS:

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

ANALYSIS: (Attach a separate page if necessary.)

Changes in revenue are identified on Alaska Police Standards Council's fiscal note.

Prepared By: F/Sgt. Don Bowman Phone: 269-5084
 Division: Alaska State Troopers Date: 02/11/98
 Approved by Commissioner: Ronald L. Otte *Dee Smith* Date: 2/11/98
 Agency: Department of Public Safety

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FISCAL NOTE

No: 1

STATE OF ALASKA
1998 LEGISLATIVE SESSION

Bill Version: CSHB 261 (JUD)
(1) Publish Date: 3/4/98

Revision Date: _____
Title: "An Act relating to a surcharge imposed for violations of state or municipal law..."
Sponsor: Representative Davis
Requestor: (H) JUD

Department Affected: Administration
BRU: Legal and Advocacy Services
Component: Public Defender Agency

COMPONENT SERIAL NO. 1631

EXPENDITURES/REVENUES:

(Thousands of Dollars)

| OPERATING EXPENDITURES | FY 99 | FY 00 | FY 01 | FY 02 | FY 03 | FY 04 |
|------------------------|-------|-------|-------|-------|-------|-------|
| PERSONAL SERVICES | | | | | | |
| TRAVEL | | | | | | |
| CONTRACTUAL | | | | | | |
| SUPPLIES | | | | | | |
| EQUIPMENT | | | | | | |
| LAND & STRUCTURES | | | | | | |
| GRANTS, CLAIMS | | | | | | |
| MISCELLANEOUS | | | | | | |
| TOTAL OPERATING | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 |

| | | | | | | |
|----------------------|--|--|--|--|--|--|
| CAPITAL EXPENDITURES | | | | | | |
|----------------------|--|--|--|--|--|--|

| | | | | | | |
|------------------------|--|--|--|--|--|--|
| CHANGE IN REVENUES () | | | | | | |
|------------------------|--|--|--|--|--|--|

FUND SOURCE:

(Thousands of Dollars)

| | | | | | | |
|--------------------------|-----|-----|-----|-----|-----|-----|
| 1002 Federal Receipts | | | | | | |
| 1003 GF Match | | | | | | |
| 1004 GF | | | | | | |
| 1005 GF/Program Receipts | | | | | | |
| 1037 GF/Mental Health | | | | | | |
| OTHER | | | | | | |
| TOTAL | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 |

Estimate of any current year (FY 98) cost: \$ _____

POSITIONS:

| | | | | | | |
|-----------|--|--|--|--|--|--|
| FULL-TIME | | | | | | |
| PART-TIME | | | | | | |
| TEMPORARY | | | | | | |

ANALYSIS: (Attach a separate page if necessary.)

This bill adds a "surcharge" to fines and penalties for anyone convicted of a crime: \$85 for a felony, \$75 for a driving/alcohol misdemeanor, \$45 for other misdemeanors, and \$15 for a violation.

The funds are to be used for a police training fund. This bill will not cost the Agency money directly, but will impact indigent clients who cannot afford to pay this on top of restitution, fines, and Rule 39 costs already assessed against them. Additionally, it would be more fair to distribute funds generated by the criminal justice system to all of the players. Constantly allocating limited resources to only select components throws the ability of participants to cope out of balance.

Prepared by: Barbara K. Brink, Director
Division: Public Defender Agency

Phone: (907) 264-4414
Date: _____

Approved by Commissioner: Mark Boyer
Agency: Department of Administration

Date: 2/27/98

DISTRIBUTION COPIES TO GOVERNOR'S LEGISLATIVE OFFICE
For further distribution information, call the Governor's Legislative Office

COMMITTEE COPY

FISCAL NOTE

Bill Version: CSHB 261 (JUD)

(H) Publish Date: 3/4/98

**STATE OF ALASKA
1998 LEGISLATIVE SESSION**

BILL

| | | | |
|----------------|---|----------------------|----------------------------|
| Revision Date: | | Dept. Affected: | <u>Alaska Court System</u> |
| Title: | <u>Surcharge for violations of state and municipal violations</u> | BRU: | <u>Trial Courts</u> |
| Sponsor: | <u>Rep. Davis</u> | Component: | <u></u> |
| Requester: | | COMPONENT SERIAL NO. | <u>768</u> |

| Expenditures/Revenues | | (Thousands of Dollars) | | | | |
|------------------------|--------------|------------------------|--------------|--------------|--------------|--------------|
| OPERATING EXPENDITURES | FY 99 | FY 00 | FY 01 | FY 02 | FY 03 | FY 04 |
| PERSONAL SERVICES | 113.9 | 113.9 | 113.9 | 113.9 | 113.9 | 113.9 |
| TRAVEL | | | | | | |
| CONTRACTUAL | | | | | | |
| SUPPLIES | 8.0 | 3.0 | 3.0 | 3.0 | 3.0 | 3.0 |
| EQUIPMENT | 3.0 | | | | | |
| LAND & STRUCTURES | | | | | | |
| GRANTS & CLAIMS | | | | | | |
| MISCELLANEOUS | | | | | | |
| TOTAL OPERATING | 124.9 | 116.9 | 116.9 | 116.9 | 116.9 | 116.9 |

| | | | | | | |
|----------------------|--|--|--|--|--|--|
| CAPITAL EXPENDITURES | | | | | | |
|----------------------|--|--|--|--|--|--|

| | | | | | | |
|------------------------|--|--|--|--|--|--|
| CHANGE IN REVENUES () | | | | | | |
|------------------------|--|--|--|--|--|--|

| Fund Source | | (Thousands of Dollars) | | | | |
|--------------------------|--------------|------------------------|--------------|--------------|--------------|--------------|
| 1002 Federal Receipts | | | | | | |
| 1003 GF Match | | | | | | |
| 1004 GF | 124.9 | 116.9 | 116.9 | 116.9 | 116.9 | 116.9 |
| 1006 GF/Program Receipts | | | | | | |
| 1037 GF/Mental Health | | | | | | |
| Other | | | | | | |
| TOTAL | 124.9 | 116.9 | 116.9 | 116.9 | 116.9 | 116.9 |

Estimate of any current year (FY 99) cost: None

| Positions | | | | | | |
|-----------|---|---|---|---|---|---|
| Full-Time | 3 | 3 | 3 | 3 | 3 | 3 |
| Part-Time | | | | | | |
| Temporary | | | | | | |

ANALYSIS: (Attach a separate page if necessary)

See attached analysis

Prepared by: C. S. Christensen III, General Counsel
 Agency: Alaska Court System

Approved by: Stephanie J. Cole, Administrative Director
 Agency: Alaska Court System

Phone: 264-8228
 Date: 01/27/98

Date: 01/27/98

PREPARER TO PROVIDE ALL DISTRIBUTION COPIES TO GOVERNOR'S LEGISLATIVE OFFICE

COMMITTEE COPY

Alaska Court System**HB 261****Clerical time required for processing surcharges****Trial Court Staff****Minutes****Establish Tracking System**

2.5

Staff will classify each judgment entered by the court, verify surcharge ordered and actual amount due, and set up a tracking document for each judgment. Required information will be entered, the tracking document will be refiled, and a report prepared by classification for outstanding surcharges.

Collection of Money

1.5

During the receipting process, staff will include identification of each surcharge. To maintain records of all payments, staff will obtain each tracking document from the filing system, update the document with payment information, return tracking document to the filing system and make a copy of each receipt for depositing and reporting purposes.

Depositing Money Collected

1.0

Staff will prepare a list of surcharges collected using receipt copies; make a copy of the list to send with the required bookkeeping report to Fiscal Operations; and enter necessary adjustment information on the bookkeeping report.

Total Trial Court Staff Time per Judgment**5.0****Administration Staff****Recording Surcharges Collected in AKSAS****5.5**

Staff will compare information provided by each court with information listed in the State's accounting system (AKSAS). Upon reconciliation of the data, the employee will prepare a worksheet for data entry, assign a separate treasury receipt number for any surcharges collected, and enter the deposit by treasury receipt number in AKSAS. To complete the process, staff will make a copy of each worksheet and distribute them to the receiving agency, and file remaining documents.

Assumptions

- 1 *Fiscal year 1997 case dispositions to include plead guilty, plead not guilty and found guilty were used for calculations.*
- 2 *In calculating processing time required, one judgment per disposition was used for tasks completed by trial court staff.*
- 3 *To determine administrative staff time required to record surcharges in the State's accounting system, one deposit per court was used as the unit of measure. Superior Courts were classified as one deposit daily, all other courts were classified as one deposit weekly.*

Alaska Court System
Fiscal Analysis
HB 261

Personal Services

| | <u>Salary</u> | <u>Benefits</u> | <u>Total</u> |
|---|---------------|-----------------|----------------|
| Court Clerk II, 10A, Anchorage, permanent full-time | 25,644 | 10,978 | \$ 36,622 |
| Court Clerk II, 10A, Anchorage, permanent full-time | 25,644 | 10,978 | 36,622 |
| Court Clerk II, 10A, Fairbanks, permanent full-time | 28,932 | 11,691 | <u>40,623</u> |
| Total Personal Services | | | 113,867 |

This legislation will impose a surcharge on felonies, misdemeanors and violations which result in a fine. During fiscal year 1997, an estimated 19,745 misdemeanors and 2,554 felonies would have been subject to the surcharge. The court system's case management system does not provide this breakdown for traffic violations. We have estimated that 75% of all traffic cases or 44,579 traffic violations result in the imposition of a fine. Accordingly, we have estimated that a total of 66,578 cases would have a surcharge imposed. Multiplying the number of cases times the estimated time to process these cases (see page 2) results in the need for approximately three full-time positions.

Supplies

| | | |
|--------------------------------------|-----------------------|--------------|
| Supplies for new positions | | 3,000 |
| Producing and distributing new forms | <i>One-time cost</i> | <u>5,000</u> |
| | Total Supplies | 8,000 |

Equipment *One-time cost*

| | | |
|--|------------------------------|--------------------------|
| Desk, chair, terminal and filing cabinet for new positions | | <u>3,000</u> |
| | Total estimated costs | <u>\$ 124,867</u> |

FISCAL NOTE

STATE OF ALASKA
1993 LEGISLATIVE SESSION

BILL NO: HB 261

Revision Date: 01/22/98
 Title: An Act... Surcharge imposed for violations...
 and to the Alaska police training fund.
 Sponsor: Rep. Davis
 Requestor: (H) JUD

Dept. Affected: Alaska Police Standards Council
 BRU: Alaska Police Standards Council
 Component: _____
 COMPONENT SERIAL NO. _____

EXPENDITURES/REVENUES: (Thousands of Dollars) (inflation not included)

| OPERATING | FY 99 | FY 00 | FY 01 | FY 02 | FY 03 | FY 04 |
|-------------------------------|--------------|---------------|---------------|---------------|---------------|---------------|
| PERSONAL SERVICES | | | | | | |
| TRAVEL | | | | | | |
| CONTRACTUAL | 627.4 | 1200.9 | 1200.9 | 1200.9 | 1200.9 | 1200.9 |
| SUPPLIES | | | | | | |
| EQUIPMENT | | | | | | |
| LAND & STRUCTURES | | | | | | |
| GRANTS CLAIMS | | | | | | |
| MISCELLANEOUS | | | | | | |
| TOTAL OPERATING | 627.4 | 1200.9 | 1200.9 | 1200.9 | 1200.9 | 1200.9 |
| CAPITAL EXPENDITURES | -0- | -0- | -0- | -0- | -0- | -0- |
| CHANGE IN REVENUES () | | | | | | |
| Revenue Code | 573.5 | 1147.0 | 1147.0 | 1147.0 | 1147.0 | 1147.0 |

FUNDING: (Thousands of Dollars)

| | | | | | | |
|--------------------------|-------|--------|--------|--------|--------|--------|
| 1002 Federal Receipts | | | | | | |
| 1003 GF Match | | | | | | |
| 1004 GF | | | | | | |
| 1005 GF/Program Receipts | 627.4 | 1200.9 | 1200.9 | 1200.9 | 1200.9 | 1200.9 |
| 1006 GF/MHTIA | | | | | | |
| Other | | | | | | |
| TOTAL | | | | | | |

Estimate of current year (FY 98) impact: \$ 396.1

POSITIONS:

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

ANALYSIS: (Attach a separate page if necessary.)

Funding from the program receipts provided by HB261 will allow the Alaska Police Standards Council to fully support the basic training needs for the statewide law enforcement and corrections community. It will also allow the Council to support in-service and specialized training for the 2000 officers representing 50 police agencies, 12 correctional institutions and the Village Public Safety program.

Considering administrative start-up of HB261 during FY99, the estimated projection for collections is 50% (573.5) of FY00 projections. New revenue from HB261 for FY00 is projected at 1200.9.

Prepared By: Laddie Shaw
 Division: Alaska Police Standards Council
 Approved by Commissioner: _____
 Agency: Ronald L. Otte, Dept. of Public Safety

Phone: 465-4378
 Date: 02-12-98
 Date: 01/28/98

| Attachment for Fiscal Note (HB261) Analysis: | FY99 | FY00 |
|---|--------------|---------------|
| <u>Personal Services (salary & benefits)</u> | <u>240.0</u> | <u>240.0</u> |
| Administrator | 94.2 | 94.2 |
| Secretary | 47.8 | 47.8 |
| Admin. Clerk | 27.0 | 27.0 |
| Training Coordinator | 71.0 | 71.0 |
| <u>Travel</u> | <u>30.7</u> | <u>30.7</u> |
| Field Travel (compliance inspections) | 10.5 | 10.5 |
| Admin. Travel (admin. hearings) | 3.1 | 3.1 |
| Convention (Police Standards Conference) | 1.0 | 1.0 |
| Commission (Council meetings/11 members) | 5.8 | 5.8 |
| Non-Employee (hearing officer/witnesses) | 3.8 | 3.8 |
| Other (per diem) | 6.5 | 6.5 |
| <u>Contractual</u> | <u>253.6</u> | <u>1326.3</u> |
| Basic Police Recruit Training (30 Officers @ \$5700 FY99) | 171.0 | |
| Basic Police Recruit Training (100 officers @ \$5700 FY00) | | 570.0 |
| Basic Municipal Corrections Recruit Training 20 Officers @ \$1750 | 35.0 | 35.0 |
| Refresher Academy (officers with out-of-state training) 10 Officers @ \$1320 | 13.2 | 13.2 |
| Court Reporting | .6 | .6 |
| In-Service and Specialized Training for police and correctional officers (2000 officers with 50 police agencies, 12 correctional institutions and 100 VPSO's) | 18.5 | 692.3 |
| Communications, maintenance advertising, printing, etc. | <u>15.3</u> | <u>15.3</u> |
| Total (Operating Budget) | 524.3 | 1,597.0 |

HB261 will generate the funding necessary to provide Alaska law enforcement and corrections officers the level of training they need to adequately perform their roles in an ever-changing contemporary society.

This bill will allow the Alaska Police Standards Council to reemphasize its mission in providing quality service to the public by maximizing the training investment in our law enforcement and corrections personnel.

The goals of the Alaska Police Standards Council is to enhance the ability of its peace officers to provide that level of service desired by the citizens of Alaska through:

- Prescribing essential training requirements and curriculum;
- Promoting advanced and executive level training;
- Implementing and enforcing prerequisite standards for the selection and retention of officers;
- Maximizing the utilization of the training fund.

Civil actions resulting from inadequate training are on the increase. The end costs of providing adequate training is negligible when compared to the cost associated with lawsuits and their resultant judgment.

**FISCAL NOTE
HB261
ATTACHMENT A**

2,250 Felony convictions in 1997 at \$85.00 = \$191,250.00 (191.3)

3,972 DWI related convictions in 1997 at \$75.00 = \$297,900.00 (297.9)

16,425 Misdemeanor convictions in 1997 at \$45.00 = \$739,170.00 (739.2)

\$245,700 infractions (\$10.00) collected in FY97 at \$15.00 = \$368,550 (368.6)

Total estimated revenue generated as a result of surcharges = \$1,597.00

Felony, misdemeanor and DWI related convictions for 1997 obtained from DPS Information Systems. Infraction information obtained from APSC for FY97.

REVENUE ESTIMATES (FY00)

| | |
|--|----------------------|
| With HB261 (New Program Receipts) Total | 1,597.0 |
| Without HB261 (Existing Program Receipts) Estimate | <u><450.0></u> |
| New Program Receipt Revenue Generated By HB261 | 1,147.0 |

| | |
|----------------------------------|-------|
| FY 99 1st Year Start Up Estimate | 573.5 |
|----------------------------------|-------|

EXPENDITURE ESTIMATE

| | |
|---|----------------------|
| FY99 - Total Surcharge Receipts | 450.0 |
| Less FY99 Governor Auth. Budget of Surcharge receipts | <u><396.1></u> |
| FY99 Bal. of Surcharge Receipts Available | 53.9 |

| | |
|---|----------------|
| New Surcharge Receipts (HB261) | <u>573.0</u> |
| Total Surcharge Receipts Available (FY99) | 627.4 |
| Additional Surcharge Receipts (Full Program FY00) | <u>573.5</u> |
| Total Surcharge Receipts Available (FY00) | 1,200.9 |

A dopted
3/11/98

0-LS0920\B.2
Luckhaupt
3/11/98

#3

AMENDMENT

OFFERED IN THE HOUSE
TO: CSHB 261(JUD)

BY REPRESENTATIVE DAVIS

1 Page 2, line 27, following "misdemeanor":
2 Delete ",."

3 Page 2, line 28, following "for the":
4 Insert "misdemeanor or"

5 Page 2, line 31, following "law":
6 Insert "or a misdemeanor"

7 Page 3, line 1, following "for the":
8 Insert "misdemeanor or"

9 Page 3, line 4:
10 Delete "\$15"
11 Insert

12 "(A) \$15 if the fine or bail forfeiture amount for the offense
13 is \$30 or more; or

14 "(B) \$5 if the fine or bail forfeiture amount for the offense
15 is less than \$30"

Adopted
3/9/98

0-LS0920\B.1
Luckhaupt
3/7/98

AMENDMENT ↑

A

OFFERED IN THE HOUSE

BY REPRESENTATIVE

TO: CSHB 261(JUD)

1 Page 4, following line 12:

2 Insert new bill sections to read:

3 *** Sec. 10.** Notwithstanding the requirements of AS 12.55.039(d) and AS 37.05.142 that
4 surcharges collected under AS 12.55.039 be accounted for separately, the Alaska Court
5 System shall deposit money collected under AS 12.55.039 in the general fund and shall, by
6 February 1 of each year, provide to the Department of Administration, to the Legislative
7 Budget and Audit Committee, and to each house of the legislature an estimate of the money
8 collected under AS 12.55.039 for that fiscal year.

9 *** Sec. 11.** Section 10 of this Act is repealed on the earlier of (1) the date that the Alaska
10 Court System has the capability to separately track and account electronically for money
11 collected under AS 12.55.039, or (2) June 30, 2002. The executive director of the Alaska
12 Court System shall notify the lieutenant governor and the revisor of statutes when the
13 electronic capability described in this section has been obtained."

CS FOR HOUSE BILL NO. 261(JUD)
 IN THE LEGISLATURE OF THE STATE OF ALASKA
 TWENTIETH LEGISLATURE - SECOND SESSION

BY THE HOUSE JUDICIARY COMMITTEE

Offered: 3/4/98
 Referred: Finance

Sponsor(s): REPRESENTATIVE DAVIS

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to fines and to a surcharge imposed for violations of state or
 2 municipal law and to the Alaska police training fund."

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

4 * Section 1. AS 12.25.195 is amended by adding a new subsection to read:

5 (c) Disposition of an offense under (a) of this section may not occur unless the
 6 person cited for the offense pays the surcharge prescribed in AS 12.55.039 in addition
 7 to the scheduled bail or fine amount. The surcharge required to be paid under this
 8 subsection shall be deposited into the general fund and accounted for under
 9 AS 37.05.142.

10 * Sec. 2. AS 12.25.200(b) is amended to read:

11 (b) A citation issued under AS 12.25.180 must indicate

12 (1) the amount of bail or fine and the surcharge applicable to the
 13 offense;

14 (2) the procedure a person must follow in responding to the citation;

1 (3) that if the person fails to pay the bail or fine the person must appear
2 in court;

3 (4) that failure to pay the bail or fine or appear in court for an offense
4 involving a moving motor vehicle may result in

5 (A) suspension of the person's driver's license, privilege to
6 drive, or privilege to obtain a license; or

7 (B) attachment of the person's permanent fund dividend to pay
8 the fine plus court and collection costs under AS 28.05.155; and

9 (5) that the person has a right to

10 (A) a trial;

11 (B) engage counsel;

12 (C) confront and question witnesses;

13 (D) testify; and

14 (E) subpoena witnesses on the person's behalf.

15 * Sec. 3. AS 12.55.035 is amended by adding a new subsection to read:

16 (f) In imposing a fine, the court may not reduce the fine by the amount of a
17 surcharge or otherwise consider the applicability of a surcharge to the offense.

18 * Sec. 4. AS 12.55.039(a) is amended to read:

19 (a) In addition to any fine or other penalty prescribed by law, a defendant who
20 pleads guilty or nolo contendere to, forfeits bail for, or is convicted of a

21 (1) felony shall be assessed a surcharge of \$85;

22 (2) violation of a misdemeanor offense under AS 28.33.030,
23 28.33.031, AS 28.35.030, or 28.35.032, or a violation of a municipal ordinance
24 comparable to a misdemeanor offense under AS 28.33.030, 28.33.031,
25 AS 28.35.030, or 28.35.032 and adopted under AS 28.01.010, shall be assessed a
26 surcharge of \$75;

except - a misdemeanor on the bail schedule

27 (3) misdemeanor, or a violation of a municipal ordinance if a
28 sentence of incarceration may be imposed for the ordinance violation, other than
29 a provision identified in (2) of this subsection, shall be assessed a surcharge of
30 \$45;

31 (4) violation or an infraction under state law or a violation of a
misdemeanor that are on Bail Schedule

House Bill 261: Issues discussed 3/9/98

Question: Why are only certain DUI statutes cited? (Section 4, page 2, lines 22 – 26)

The statutes for operating a commercial vehicle while intoxicated do not mirror those for operating a vehicle or watercraft while intoxicated. The specific violations are contained in different sections of statutes, as shown below.

AS 28.33.030: Operating a commercial vehicle while intoxicated

- Operating a commercial motor vehicle while intoxicated a class A misdemeanor
- Sentencing as if convicted under 28.35.030

AS 28.33.031: Implied consent (there is no separate statute for refusal to submit)

- Refusal to submit to a chemical test authorized under this section is a Class B misdemeanor and punishable under AS 28.35.032

Sec. 28.35.030: Operating a vehicle, aircraft or watercraft while intoxicated

- Operating or driving a motor vehicle an aircraft or a watercraft a class A misdemeanor unless, the person is convicted of driving while intoxicated and has been previously convicted two or more times within the five years preceding the date of the present offense, then it's a class C felony
- Contains sentencing and fine amounts (these are used for commercial vehicles as well (see AS 28.33.030)

Sec. 28.35.031: Implied consent (this was not included because the crime of refusing to submit is contained in a separate statute)

Sec. 28.35.032: Refusal to submit to chemical test

- Refusal to submit to a chemical test authorized by AS 28.33.031(a) or AS 28.35.031(a) or (g) is a class A misdemeanor unless the person is convicted and has been previously convicted two or more times within the five years preceding the date of the present offense.
- Contains sentencing and fine amounts

Question: What kind of policy call do we want to make requiring less serious misdemeanors that have not incarceration period and small fine amounts?

An amendment has been prepared to specify that misdemeanors for which sentences of incarceration may be imposed carry the higher \$45 surcharge. Misdemeanors that do not carry a possible sentence of incarceration (although still criminal in nature) are included with the violations and infractions that have the lower \$15 surcharge

A further break down the more minor offenses provides that those carrying a fine or bail forfeiture of \$30 or more would receive a \$15 surcharge, and those carrying a fine or bail forfeiture of less than \$15 would receive a \$5 surcharge.

Question: What about the costs to municipalities

It is my understanding that municipalities pay for municipal prosecutors and public defenders from their municipal budgets. Fines on violations of municipal ordinances may be paid one of two ways.

If a municipality does not have its own accounting system, the state court system collects the money. The court system forwards the amount of the fine to the municipality and the surcharge amount to the state. Municipalities are charged 10 percent of the fine for this service.

If a municipality has its own accounting system, the fine is sent directly to the municipality. It is then the municipality's responsibility to forward the surcharge to the state. I have requested a list of those municipalities that collect their own surcharges. I have contacted the Municipality of Anchorage to determine if they believe there will be an increase in their costs of accounting for these surcharges. According to the police department bookkeeping section, this would not increase their costs.

Question: What are the fine amounts

Alaska statutes setting out the fines for felonies and misdemeanors are attached. A copy of the bail forfeiture schedule contained in the Alaska Rules of court is attached. A cursory search of the statutes for fines on misdemeanors shows that fines can range from \$50 to \$10,000.

Question: What's the difference between bail forfeiture and a fine.

A fine is the monetary penalty to be paid on an offense. Fines are normally set out in statute, and depend upon the type of offense. In many instances a monetary range is provided giving the judge discretion in setting the actual fine amount.

Alaska statutes also provide the supreme court to establish schedules of payments to be made. To summarize AS 45.75.133, Bail forfeiture, the supreme court establishes a schedule of bail amounts (fines) for violations that may be disposed of without court appearance. The bail forfeiture amount may not exceed the maximum fine specified by law.

If a person cited can dispose of the violation without a court appearance, the amount of bail forfeiture applicable to the offense is written on the citation. The person may pay the amount of bail on the citation and provide a copy of the citation indicating the right to an appearance is waived, a plea of no contest is entered and bail is forfeited. In this event the court enters a judgment of conviction and forfeiture of bail is a complete satisfaction for the violation.

If the person cited for this same offense appears in court and is found guilty, the court may not impose a penalty (fine) that exceeds the bail forfeiture amount. Failure to appear in court or pay the bail forfeiture amount is guilty of a class B misdemeanor.

Question: What are the actual fiscal impacts and benefits of the legislation

Laddie Shaw with the Alaska Police Standards Council has prepared a new fiscal note which he will explain at the meeting.

The legislature is authorized to appropriate money from the police training fund to the public safety training academy, including village public safety officers, and to the Alaska Police Standards Council (APSC) to provide training for law enforcement and corrections. The legislature appropriated 100 percent of the fund to the APSC in FY 96 and FY 97. The APSC distributed a portion of the funds using reimbursable service agreements to the state training academy in Sitka.

AS 11.81.250. Classification of offenses.

(a) For purposes of sentencing under AS 12.55, all offenses defined in this title, except murder in the first and second degree, attempted murder in the first degree, sexual assault in the first degree, sexual abuse of a minor in the first degree, misconduct involving a controlled substance in the first degree, and kidnapping, are classified on the basis of their seriousness, according to the type of injury characteristically caused or risked by commission of the offense and the culpability of the offender. Except for murder in the first and second degree, attempted murder in the first degree, sexual assault in the first degree, sexual abuse of a minor in the first degree, misconduct involving a controlled substance in the first degree, and kidnapping, the offenses in this title are classified into the following categories:

(1) class A felonies, which characteristically involve conduct resulting in serious physical injury or a substantial risk of serious physical injury to a person;

(2) class B felonies, which characteristically involve conduct resulting in less severe violence against a person than class A felonies, aggravated offenses against property interests, or aggravated offenses against public administration or order;

(3) class C felonies, which characteristically involve conduct serious enough to deserve felony classification but not serious enough to be classified as A or B felonies;

(4) class A misdemeanors, which characteristically involve less severe violence against a person, less serious offenses against property interests, less serious offenses against public administration or order, or less serious offenses against public health and decency than felonies;

(5) class B misdemeanors, which characteristically involve a minor risk of physical injury to a person, minor offenses against property interests, minor offenses against public administration or order, or minor offenses against public health and decency;

(6) violations, which characteristically involve conduct inappropriate to an orderly society but which do not denote criminality in their commission.

(b) The classification of each felony defined in this title, except murder in the first and second degree, attempted murder in the first degree, sexual assault in the first degree, sexual abuse of a minor in the first degree, misconduct involving a controlled substance in the first degree, and kidnapping, is designated in the section defining it. A felony under Alaska law defined outside this title for which no penalty is specifically provided is a class C felony.

(c) The classification of each misdemeanor defined in this title is designated in the section defining it. A misdemeanor under Alaska law defined outside this title for which no penalty is provided is a class A misdemeanor.

AS 11.81.900: Definitions

(b)(58) "violation" is a noncriminal offense punishable only by a fine, but not by imprisonment or other penalty, conviction of a violation does not give rise to any disability or legal disadvantage based on conviction of a crime; a person charged with a violation is not entitled (A) to a trial by jury, or (B) to have a public defender or other counsel appointed at public expense to represent the person

AS 12.55.035. Fines.

(a) Except as provided in AS 12.55.036, upon conviction of an offense, a defendant may be sentenced to pay a fine as authorized in this section or as otherwise authorized by law.

(b) Except as provided in AS 12.55.036, upon conviction of an offense, a defendant who is not an organization may be sentenced to pay, unless otherwise specified in the provision of law defining the offense, a fine of no more than

(1) \$75,000 for murder in the first or second degree, attempted murder in the first degree, sexual assault in the first degree, sexual abuse of a minor in the first degree, kidnapping, or misconduct involving a controlled substance in the first degree;

(2) \$50,000 for a class A, B, or C felony;

(3) \$5,000 for a class A misdemeanor;

(4) \$1,000 for a class B misdemeanor;

(5) \$300 for a violation.

(c) Except as provided in AS 12.55.036, upon conviction of an offense, a defendant that is an organization may be sentenced to pay a fine not exceeding the greater of

(1) an amount that is

(A) \$500,000 for a felony offense or for a misdemeanor offense that results in death;

(B) \$200,000 for a class A misdemeanor offense that does not result in death;

(C) \$25,000 for a class B misdemeanor offense that does not result in death;

(D) \$10,000 for a violation;

(2) two times the pecuniary gain realized by the defendant as a result of the offense;

or

(3) two times the pecuniary damage or loss caused by the defendant to another, or to the property of another, as a result of the offense.

(d) If a defendant is sentenced to pay a fine, the court may grant permission for the payment to be made within a specified period of time or in specified installments.

(e) In imposing a fine under (c) of this section, in addition to any other relevant factors, the court shall consider

(1) measures taken by the organization to discipline an officer, director, employee, or agent of the organization;

(2) measures taken by the organization to prevent a recurrence of the offense;

(3) the organization's obligation to make restitution to a victim of the offense, and the extent to which imposition of a fine will impair the ability of the organization to make restitution; and

(4) the extent to which the organization will pass on to consumers the expense of the fine.

Sec. 12.55.036. Day fines.

(a) Upon conviction of a misdemeanor, other than a violation of AS 11.41 and AS 11.56.740, a defendant may be sentenced to pay a day fine as authorized by this section. If a day fine is imposed under this section, the defendant may not be sentenced to pay a fine under AS 12.55.035, serve a term of imprisonment, or be placed on probation.

(b) The Alaska Supreme Court shall adopt a day fine plan that includes

(1) an assessment of the gravity of all misdemeanor offenses, which assessment must include the existence of prior offenses, and the assignment of presumptive penalties to them in day fine units within the following ranges:

(A) for class A and unclassified misdemeanors, not to exceed 365-day fine units;

(B) for class B misdemeanors, not to exceed 90-day fine units;

(2) a schedule of the presumptive day fine penalties;

(3) procedures for a court to increase or decrease the presumptive day fine penalties if the court finds the existence of an aggravating factor under AS 12.55.155(c) or a mitigating factor under AS 12.55.155(d);

(4) a table for the conversion of a defendant's actual, potential, or estimated gross income, less one-third for a defendant above the federal poverty guideline as determined by the United States Department of Health and Human Services, and less one-half for a defendant below the federal poverty guideline into net daily income amounts; the table must include adjustments for the number of dependents actually supported by the defendant;

(5) procedures for a court to gather information about the defendant's occupation, actual, estimated, and potential income, number of dependents, and other facts necessary or relevant to sentencing a person to a day fine; a court may order the production of the financial or other records of a person it determines to be relevant to a determination under this section; the procedures must include a requirement that the facts shall be received

(A) under oath so that the defendant is subject to prosecution under AS 11.56.200; or

(B) in a writing or recording that bears notice that false statements made in it are punishable under AS 11.56.210; and

(6) other information the court determines to be necessary for implementing the day fine plan.

(c) The amount of a day fine shall be the product of the net daily income of the defendant, adjusted for the number of dependents actually supported by the defendant, times the day fine penalty. When imposing a sentence of a day fine, the court shall

(1) state on the record the

(A) presumptive day fine penalty for the offense, and whether the court is adjusting the presumptive day fine penalty for the existence of aggravating or mitigating factors;

(B) net daily income of the income of the defendant, adjusted for the number of dependents actually supported by the defendant; and

(C) amount of the day fine;

(2) make written findings of the facts considered in

(A) finding the existence of aggravating or mitigating factors and in assigning a value to those factors; and

(B) determining the defendant's gross and daily net incomes.

(d) When imposing a sentence of a day fine, the court may permit the payment of the day fine in specified installments or within a certain period of time, provided the entire day fine is paid within 180 days of imposition.

(e) A sentence imposing a day fine shall be considered a civil judgment for the day fine. The Department of Law shall enforce the judgment and may utilize any procedure available for the enforcement of civil judgments. If the Department of Law uses the civil process of the court to enforce or collect a day fine, the department shall be awarded costs and attorney fees.

(f) The Alaska Court System shall evaluate and prepare a report every two years not later than February 1 on the use of day fines and their effectiveness. The court system shall notify the legislature that the report is available. The report must include

(1) a comparison of the number of defendants receiving a day fine as a sentence with the number of other defendants, eligible to receive a day fine, who receive another sentence;

(2) a comparison of the recidivism rates between defendants receiving a day fine with other defendants,

(A) eligible for a day fine, who receive another sentence; and

(B) not eligible for a day fine, who receive another sentence;

(3) the potential savings to the state from the number of defendants who are eligible to receive a sentence of imprisonment, and who receive a day fine, assuming those defendants would have been sentenced to a term of imprisonment;

(4) the amount of day fines collected, the success rate of collections, and the number of cases requiring civil process to collect the day fine; and

(5) recommendations concerning expansion or restriction of the use of day fines, including proposals for legislation.

(g) Money collected under this section shall be deposited into the general fund and separately accounted for under AS 37.05.142. The annual estimated balance in the account maintained under AS 37.05.142 for day fines collected under this section may be appropriated by the legislature as follows: (1) 25 percent of the annual estimated balance for grants and claims paid by the Council on Domestic Violence and Sexual Assault; (2) 25 percent of the annual estimated balance for grants and claims paid by the Violent Crimes Compensation Board; and (3) the balance for any lawful purpose. Nothing in this subsection creates a dedicated fund.

AS 12.55.135. Sentences of imprisonment for misdemeanors.

(a) A defendant convicted of a class A misdemeanor may be sentenced to a definite term of imprisonment of not more than one year.

(b) A defendant convicted of a class B misdemeanor may be sentenced to a definite term of imprisonment of not more than 90 days unless otherwise specified in the provision of law defining the offense.

(c) A defendant convicted of assault in the fourth degree committed in violation of the provisions of an order issued or filed under AS 18.66.100 - 18.66.180 or issued under former AS 25.35.010 or 25.35.020 shall be sentenced to a minimum term of imprisonment of 20 days.

(d) A defendant convicted of assault in the fourth degree who knowingly directed the conduct constituting the offense at a uniformed or otherwise clearly identified peace officer, fire fighter, correctional employee, emergency medical technician, paramedic, ambulance attendant, or other emergency responder who was engaged in the performance of official duties at the time of the assault shall be sentenced to a minimum term of imprisonment of

(1) 60 days if the defendant violated AS 11.41.230(a)(1) or (2);

(2) 30 days if the defendant violated AS 11.41.230(a)(3).

(e) If a defendant is sentenced under (c) or (d) of this section,

(1) execution of sentence may not be suspended and probation or parole may not be granted until the minimum term of imprisonment has been served;

(2) imposition of a sentence may not be suspended except upon condition that the defendant be imprisoned for no less than the minimum term of imprisonment provided in the section; and

(3) the minimum term of imprisonment may not otherwise be reduced.

(f) A defendant convicted of vehicle theft in the second degree in violation of AS 11.46.365(a)(1) shall be sentenced to a definite term of imprisonment of at least 72 hours but not more than one year.

Rule 41

ALASKA RULES OF COURT

| | |
|------------------------|-----|
| Valdez | 3VA |
| Whittier | 3WH |
| Fourth District | |
| Aniak | 4AK |
| Bethel | 4BE |
| Delta Junction | 4DJ |
| Fairbanks | 4FA |
| Fort Yukon | 4FY |
| Galeana | 4GA |
| Healy | 4HB |
| Kasigluk (closed) | 4KS |
| McGrath | 4MC |
| Mekoryuk | 4ME |
| Nenana | 4NE |
| Quinhagak | 4QU |
| Rampart (closed) | 4RA |
| Tanana | 4TA |
| Tok | 4TO |
| Tunuuak | 4TU |

(Adopted by SCO 412 effective July 1, 1980; amended by SCO 478 effective August 17, 1981; by SCO 541 effective October 1, 1982; by SCO 564 effective April 4, 1983; by SCO 565 effective May 3, 1983; by SCO 617 effective May 15, 1985; by SCO 672 effective June 15, 1986; by SCO 1034 effective June 14, 1990; by SCO 1035 effective nunc pro nunc February 1, 1991; and by SCO 1132 effective July 15, 1993)

Cross References

CROSS-REFERENCES: Administrative Bulletin No. 7 (Case Numbering)

Rule 42. Docketing.

There shall be no court docket kept on any case filed in the district or superior court. Any dockets prepared prior to the effective date of this rule shall continue to be maintained until a final disposition has been entered in the case. No rule of court shall be interpreted to require docketing of documents or hearings.

(Adopted by SCO 412 effective July 1, 1980; amended by SCO 554 effective April 4, 1983; by SCO 630 effective September 15, 1985; and by SCO 656 effective September 15, 1985)

Rule 43. Bail Forfeiture Schedules.

(a) **Procedure for Adopting Bail Forfeiture Schedule.** The supreme court will consider adopting a bail forfeiture schedule only when so authorized by statute. The agency charged with enforcement under a statute for which a bail forfeiture schedule has been authorized shall forward to the administrative director its recommendations for a proposed schedule, listing offenses by number, describing the offenses, and proposing a bail forfeiture amount. The

proposed schedule shall be accompanied by commentary explaining the basis for the agency's recommendation, and by a copy of the proposed citation form. The supreme court shall consider the recommendation, and shall determine whether to adopt a bail forfeiture schedule, and if so, shall determine which offenses are amenable to disposition by bail forfeiture and whether the bail forfeiture amounts are appropriate. The administrative director shall notify the agency when an order adopting the schedule is issued.

(b) Procedures for Amending Bail Forfeiture Schedules.

(1) By July 1 of each year, each agency charged with enforcement under a statute for which a bail forfeiture schedule has been authorized shall forward to the administrative director of the Alaska Court System its written recommendation concerning whether the schedule must be amended to reflect any legislative and regulatory changes, or whether policy considerations warrant revisions. Any proposed amendments shall be accompanied by commentary. The supreme court shall consider the agency's recommendations and determine by October 1 whether to adopt them. If it will be impractical for the court to respond by that date, the administrative director will inform the agency of the date by which the response can be expected. The administrative director shall notify the agency when an order amending the schedule is issued.

(2) In addition to the provisions of paragraph (b)(1), an agency may request a bail forfeiture schedule amendment whenever the need arises.

(3) Any person or agency may request a bail forfeiture schedule amendment at any time by proposing an amendment in writing to the chief justice or to the administrative director.

(Adopted by SCO 412 effective July 1, 1980; amended by SCO 651 effective July 1, 1985; and by SCO 1180 effective July 15, 1995)

Rule 43.1. Traffic Bail Forfeiture Schedule.

Pursuant to AS 28.05.151, 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.

Effective January 1, 1996, as a condition of the

ADMINISTRATIVE RULES

Rule 43.1

disposition without appearance of an offense under AS 28 or a regulation adopted under AS 28, the defendant shall pay a surcharge of \$10 in addition to the bail forfeiture amount listed below. The surcharge applies only to offenses occurring after December 31, 1995. A court may allow a defendant who is unable to pay the surcharge to perform community work under AS 12.55.055(c) in lieu of the surcharge. The surcharge must be deposited into the general fund in a separate account designated for such surcharges.

| Statute or Regulation | Description of Offense | Bail | Statute or Regulation | Description of Offense | Bail |
|-----------------------|---|------|---------------------------|---|------|
| | | | AS 28.35.235 | Unauthorized use of handicapped parking | 100 |
| | | | 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 |
| AS 05.30.010 | Operating an unregistered snow vehicle | \$20 | 13 AAC 02.010 (a)(3)(B) | Turning on red signal when prohibited | 30 |
| AS 05.30.040(a) | Failure to display snow vehicle numbered registration decal | 20 | 13 AAC 02.010 (a)(3)(C) | Failure to stop for steady red arrow | 50 |
| AS 28.05.095(a) | Failure to wear safety belt (age 16 and older: passenger or driver) | 15 | 13 AAC 02.010(b) | Position of vehicle stopping at intersection | 30 |
| AS 28.05.095(b) | Failure to provide child safety device. (Note: First charge may be dismissed by court upon proof of correction, but second or subsequent charge is not dismissible) | 50 | 13 AAC 02.015 | Failure to obey pedestrian control signal | 20 |
| AS 28.05.095(b) | Failure to properly secure child in child safety device | 50 | 13 AAC 02.020 (a)(1) | Failure to yield after stopping for flashing red signal | 50 |
| AS 28.05.095(d) | Illegal removal of vehicle seatbelt | 15 | 13 AAC 02.020 (a)(1) | Failure to stop for flashing red signal | 50 |
| AS 28.10.451 | Failure to register vehicle | 50 | 13 AAC 02.025 | Lane use control signals | 30 |
| AS 28.10.461 | Plates/decals/permits must be properly attached and displayed | 20 | 13 AAC 02.030(a) | Display of unauthorized signs, signals, or markings | 20 |
| AS 28.10.461 | Failure to carry certificate of registration in vehicle | 20 | 13 AAC 02.050(a) | Failure to drive on right side of roadway | 30 |
| AS 28.10.471 | Operating vehicle w/expired registration | 50 | 13 AAC 02.050 (a)(3) | FTY when driving left of obstructed roadway | 50 |
| AS 28.15.011(b) | Driving with license expired less than one year | 50 | 13 AAC 02.050(b) | Vehicle not to use left lane at less than speed limit | 30 |
| AS 28.15.021(2) | Driving with out-of-state license after 90 days in state | 50 | 13 AAC 02.050(b) | Turn off required when 5 or more vehicles are behind | 50 |
| AS 28.35.029 | Open container of alcoholic beverage in motor vehicle | 50 | 13 AAC 02.055(a) | Improper overtaking on right | 30 |
| AS 28.35.031(e) | Refusal to submit to a preliminary breath test | 50 | 13 AAC 02.055(b) | Return to lane only when clear | 50 |
| AS 28.35.135(b) | Failure to notify dept. of change of name/address | 20 | 13 AAC 02.060(a) | Limitations on driving left of center | 30 |
| AS 28.35.140 | Obstructing or blocking traffic | 20 | 13 AAC 02.065(a) | Improper overtaking on the left | 30 |
| AS 18.35.145(e) | Ownership of a vehicle which illegally passes a school bus | 50 | 13 AAC 02.065(a) | FTY to overtaking vehicle | 50 |
| AS 28.35.180 | Disobedience to signal of officer regulating traffic | 30 | 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 |

Rule 43.1

ALASKA RULES OF COURT

| Statute or Regulation | Description of Offense | Ball | Statute or Regulation | Description of Offense | Ball |
|-----------------------|---|------|-------------------------------------|--|--------|
| 13 AAC 02.090 (a-c) | Following too closely | 50 | 13 AAC 02.215 (a-f) | Signals required turn/stop/slowing-discontinues after | 30 |
| 13 AAC 02.095(a) | Driving over, across or within barrier/median | 50 | 13 AAC 02.240 (a-b) | Obedience to train signals and barriers | 50 |
| 13 AAC 02.095(a) | Failure to stay on right side of divided highway | 50 | 13 AAC 02.250(a) | Certain vehicles to stop at all railroad crossings | 50 |
| 13 AAC 02.095(c) | Improper entry/exit—controlled-access highway | 30 | 13 AAC 02.255(a&b) | Heavy equipment to give notice of RR crossing | 20 |
| 13 AAC 02.107 | Drive nearest right edge on narrow/winding roadway | 30 | 13 AAC 02.255(a&c) | Heavy equipment to stop at RR crossing | 50 |
| 13 AAC 02.120(a) | FTY to vehicle on right at unsigned intersection | 50 | 13 AAC 02.257 | Give warning w/horn when vision restricted/alley/driveway/bldgs | 30 |
| 13 AAC 02.120(b) | FTY to vehicle entering intersection after stop | 50 | 13 AAC 02.257 | Stop: Emerging from alley/driveway/building | 50 |
| 13 AAC 02.125 | FTY when turning left | 50 | 13 AAC 02.257 | Position of stop when emerging from alley/driveway/bldg | 30 |
| 13 AAC 02.130(b) | Improper position of vehicle stopping at stop sign | 30 | 13 AAC 02.265 | Stop when traffic may be obstructed | 30 |
| 13 AAC 02.130 | FTY after stopping or at yield sign | 50 | 13 AAC 02.275(a) | Basic speed: Reasonable & prudent for road conditions | 30 |
| 13 AAC 02.130(b) | Failure to stop for stop sign | 50 | 13 AAC 02.275(b) | Speeding: | |
| 13 AAC 02.135(b) | FTY when entering roadway from non-roadway | 50 | | 3—19 mph over posted limit | 4/mi |
| 13 AAC 02.140(c) | Driver of emergency vehicle not to disregard safety | 30 | 13 AAC 02.280 (a-d) | Altered speed limits: | |
| 13 AAC 02.150 (a-b) | Pedestrians subject to traffic regulations | 20 | | 3—19 mph over posted limit | 4/mi |
| 13 AAC 02.155(a) | FTY to pedestrian in crosswalk | 50 | 13 AAC 02.295 | Minimum speed regulation | 30 |
| 13 AAC 02.155(b) | Pedestrian to exercise due caution | 20 | 13 AAC 02.325(a) | Speed limitation on motor-driven cycles at night | 30 |
| 13 AAC 02.155(c) | Vehicle not to pass vehicle stopped for pedestrian | 50 | 13 AAC 02.325 (b)&(c) | Special speed limit when: | |
| 13 AAC 02.155(e) | Not to drive within or through pedestrian safety zone | 30 | | (b) Towing mobile home or | |
| 13 AAC 02.160 (a-f) | Pedestrian crossing at other than crosswalks | 20 | | (e) Passing school bus with flashing yellow lights | 4/mi. |
| 13 AAC 02.175 (a-e) | Pedestrian to use sidewalk/left edge of roadway and not interfere, sleep, loiter or obstruct | 20 | 13 AAC 02.325(c) | Driving with lighted headings at unreasonable speed | 30 |
| 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 | 13 AAC 02.325(f) | Overweight, oversize or excess speed when crossing over bridge or through tunnel | |
| 13 AAC 02.190(a) | FTY to pedestrian w/white cane/guide dog | 50 | | 3—19 mph over | 4/mi |
| 13 AAC 02.190(b) | Not to use white cane/guide dog unless blind | 20 | | Overwidth | 25/ft |
| 13 AAC 02.195(a) | Pedestrian FTY to authorized emergency vehicle | 20 | | Overlength | 10/ft |
| 13 AAC 02.200 (a-c) | Improper position/method turning at intersection | 30 | | Overweight | .05/ft |
| 13 AAC 02.205 (a-b) | U-turn only when safe/not on hill, crest or curve | 30 | 13 AAC 02.340(a-d except (d)(1)(L)) | Stopping/standing/parking on highway/other location | 10 |
| 13 AAC 02.210 | Improper start from parked/stopped standing | 30 | 13 AAC 02.340(d) (1)(L) | Handicapped parking | 100 |
| | | | 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 |

ADMINISTRATIVE RULES

Rule 43.1

| Statute or Regulation | Description of Offense | Bail | Statute or Regulation | Description of Offense | Bail |
|-----------------------|---|------|---------------------------|--|-------------|
| 13 AAC 02.372(d) | Stop/stand in bus stop/taxi stand | 10 | 13 AAC 02.545(a) | Drinking while driving | 50 |
| 13 AAC 02.377 (c-f) | Parking meter violations | 7 | 13 AAC 02.545(b) | Drivers to exercise due care to avoid collision | 30 |
| 13 AAC 02.395 (b-e) | Special bicycle violations | 20 | 13 AAC 03.005(a) | Commercial vehicle: Disobedience to traffic control devices | 90 or MCA* |
| 13 AAC 02.400 (a-h) | Riding bicycles on roadways/bike paths | 20 | 13 AAC 03.010(a)(1) (A&B) | Commercial vehicle: FTY to vehicle in intersection after green signal | 150 or MCA* |
| 13 AAC 02.420 (a-c) | Parking of bicycles | 10 | 13 AAC 03.010(a)(1) (A&B) | Commercial vehicle: FTY to pedestrian in crosswalk after green signal | 150 or MCA* |
| 13 AAC 02.425 (a-d) | Special motorcycle violations | 30 | 13 AAC 03.010(a)(3) (A) | Commercial vehicle: Failure to stop for steady red traffic signal | 150 or MCA* |
| 13 AAC 02.427(a) | Motor vehicle not to deprive motorcycle of full lane use | 30 | 13 AAC 03.010(a)(3) (B) | Commercial vehicle: FTY when turning on red signal | 150 or MCA* |
| 13 AAC 02.427(a) | Motorcycles more than two abreast | 30 | 13 AAC 03.010(a)(3) (C) | Commercial vehicle: Failure to stop for steady red arrow | 150 or MCA* |
| 13 AAC 02.427(b) | Motorcycle passing in same lane as other motor vehicle | 30 | 13 AAC 03.050(a) | Commercial vehicle: Failure to drive on right side of roadway | 90 or MCA* |
| 13 AAC 02.445 | Snowmobile and other off-highway vehicle violations | 20 | 13 AAC 03.050(a)(3) | Commercial vehicle: FTY when driving left of obstructed roadway | 150 or MCA* |
| 13 AAC 02.455 (a-g) | Snowmobiles and other off-highway vehicle operation on highways and other locations | 20 | 13 AAC 03.050(b) | Commercial vehicle: Turn off required when 5 or more vehicles are behind | 150 or MCA* |
| 13 AAC 02.480 | Requirements for unattended motor vehicle | 20 | 13 AAC 03.055(a) | Commercial vehicle: Improper overtaking on right | 90 or MCA* |
| 13 AAC 02.482(a) | Bicycles/pedestrians traveling in prohibited area | 20 | 13 AAC 03.055(b) | Commercial vehicle: Return to lane only when clear | 150 or MCA* |
| 13 AAC 02.482(a) | Driving a motor vehicle where prohibited | 30 | 13 AAC 03.060(a) | Commercial vehicle: Limitations on driving left of center | 90 or MCA* |
| 13 AAC 02.482(b) | Non-motorized vehicle to yield to traffic on roadway | 20 | 13 AAC 03.065(a) | Commercial vehicle: Improper overtaking on the left | 90 or MCA* |
| 13 AAC 02.485 (a-b) | Limitation on backing | 30 | 13 AAC 03.065(a) | Commercial vehicle: FTY to overtaking vehicle | 150 or MCA* |
| 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 | | | |
| 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) | Haal/drag material causing damage to highway | 30 | | | |
| 13 AAC 02.532 | RR trains not to block roadways | 20 | | | |

Rule 43.1

ALASKA RULES OF COURT

| Statute or Regulation | Description of Offense | Ball | Statute or Regulation | Description of Offense | Ball |
|-----------------------|---|----------------|----------------------------|--|----------------|
| 13 AAC 03.065(b) | Commercial vehicle: FTY to oncoming traffic when passing | 150 or MCA* | 13 AAC 03.295 | Commercial vehicle: Minimum speed regulation | 90 or MCA* |
| 13 AAC 03.070 | Commercial vehicle: FTY 1/2 of roadway to oncoming vehicle and failure to pass on right of oncoming vehicle | 150 or MCA* | 13 AAC 03.325(b), (c), (e) | Commercial vehicle special speed limit when: (b) Towing mobile home, or (c) Equipped with lighted headlights, or (e) Passing school bus with flashing yellow lights 3-14 mph over | 12/mi. or MCA* |
| 13 AAC 03.080(b-c) | Commercial vehicle: Wrong way on one-way roadway | 90 or MCA* | 13 AAC 03.325(f) | Commercial vehicle: Overweight, oversize or excess speed when crossing over bridge or through tunnel | 12/mi. or MCA* |
| 13 AAC 03.085(b) | Commercial vehicle: Improper use of center lane of 3-lane roadway | 90 or MCA* | | 3-14 mph over | 25/ft or MCA* |
| 13 AAC 03.095(a) | Commercial vehicle: Driving over, across or within barrier/modian | 150 or MCA* | | Overlength | 10/ft or MCA* |
| 13 AAC 03.095(a) | Commercial vehicle: Failure to stay on right side of divided highway | 150 or MCA* | | Overweight | .05/lb or MCA* |
| 13 AAC 03.095(c) | Commercial vehicle: Improper entry/exit-controlled-access highway | 90 or MCA* | 13 AAC 04.003 | Minimum equipment required for sale/rent/lease/loan | 20 |
| 13 AAC 03.107 | Commercial vehicle: Drive nearest right edge on narrow/winding roadway | 90 or MCA* | 13 AAC 04.004 (a-c) | Sale or use of equipment | 20 |
| 13 AAC 03.155(a) | Commercial vehicle: FTY to pedestrian in crosswalk | 150 or MCA* | 13 AAC 04.005(a) | Disconnection/alteration of equipment | 20 |
| 13 AAC 03.155(b) | Pedestrian to exercise due caution | 20 | 13 AAC 04.005(b) | Operating a vehicle modified to be too low or too high | 250 |
| 13 AAC 03.155(c) | Commercial vehicle: Not to pass vehicle stopped for pedestrian | 150 or MCA* | 13 AAC 04.005(c) | Operating a vehicle with features or load adversely affecting steering, braking or stability | 100 |
| 13 AAC 03.155(e) | Commercial vehicle: Not to drive within or through pedestrian safety zone | 90 or MCA* | 13 AAC 04.006 (b-c) | Submit to roadside vehicle inspection | 30 |
| 13 AAC 03.275(a) | Commercial vehicle basic speed: Reasonable & prudent for road conditions | 90 or MCA* | 13 AAC 04.009 (a-c) | Prohibited practices—Inspection/repair | 20 |
| 13 AAC 03.275(b) | Commercial vehicle speeding: 3-14 mph over posted limit | 12/mi. or MCA* | 13 AAC 04.010 | Illuminate lights as required | 30 |
| 13 AAC 03.280 (a-d) | Commercial vehicle altered speed limits: 3-14 mph over posted limit | 12/mi. or MCA* | 13 AAC 04.015(d) | Lights must be in good working order, securely mounted, not obstructed | 20 |
| | | | 13 AAC 04.020(e) (1&2) | Headlight dimming requirements | 30 |
| | | | 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-b) | Improper use of flashing blue lights | 30 |

ADMINISTRATIVE RULES

Rule 43.1

| Statute or Regulation | Description of Offense | Bail |
|------------------------|---|------|
| 13 AAC 04.145 (a—e) | Improper use of auxiliary/spot lights | 30 |
| 13 AAC 04.145(f) | Use of lights in colors not authorized | 30 |
| 13 AAC 04.205(d) & (e) | Improper towing | 100 |
| 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 04.252 (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 |
| 13 AAC 04.350(c) | Minimum equip. for rent/lease/loan of motorcycle | 20 |

* If this offense resulted in physical injury to a person, the officer must cite it as a mandatory court appearance (MCA). If there was no physical injury to a person, the offense should be cited as a mail-in-bail offense at the bail forfeiture amount listed.

Rule 43.1

ALASKA RULES OF COURT

| State Regulation | Federal Regulation | Description of Offense | Ball |
|---------------------|--------------------|---|-------|
| 13 AAC 05.020(a)(1) | 49 CFR 390.15 | Records and assistance required to be available | \$300 |
| 13 AAC 05.020(a)(1) | 49 CFR 390.21 | Marking of commercial vehicles | 100 |
| 13 AAC 05.020(a)(2) | 49 CFR 391.41 | Driving A CV without medical examiner's certificate in possession | 100 |
| 13 AAC 05.020(a)(3) | 49 CFR 392.4 | Possession/influence/use of drugs/other substances while on duty | 300 |
| 13 AAC 05.020(a)(3) | 49 CFR 392.6 | Carrier schedule requires violation of speed limits | 300 |
| 13 AAC 05.020(a)(3) | 49 CFR 392.7 | Failure to check/use parts and accessories | 100 |
| 13 AAC 05.020(a)(3) | 49 CFR 392.8 | Failure to check/use emergency equipment | 50 |
| 13 AAC 05.020(a)(3) | 49 CFR 392.9 | Safe loading of cargo and passengers required | 300 |
| 13 AAC 05.020(a)(3) | 49 CFR 392.9a | Corrective lenses to be worn | 100 |
| 13 AAC 05.020(a)(3) | 49 CFR 392.9b | Hearing aid to be worn | 100 |
| 13 AAC 05.020(a)(3) | 49 CFR 392.11 | Slow and exercise caution approaching railroad crossing | 100 |
| 13 AAC 05.020(a)(3) | 49 CFR 392.12 | Vehicle carrying passengers must stop before drawbridge | 100 |
| 13 AAC 05.020(a)(3) | 49 CFR 392.13 | Other commercial vehicle must slow down before drawbridge | 100 |
| 13 AAC 05.020(a)(3) | 49 CFR 392.14 | Extreme caution and reduced speed or discontinued operation required in hazardous condition | 300 |
| 13 AAC 05.020(a)(3) | 49 CFR 392.15 | Required and prohibited use of turn signals | 100 |
| 13 AAC 05.020(a)(3) | 49 CFR 392.16 | Seat belt must be used if installed | 100 |
| 13 AAC 05.020(a)(3) | 49 CFR 392.20 | Leaving vehicle unattended without setting parking brake and taking other precautions | 300 |
| 13 AAC 05.020(a)(3) | 49 CFR 392.21 | Stop/park on traveled portion of highway | 100 |
| 13 AAC 05.020(a)(3) | 49 CFR 392.22 | Hazard warning signals required when stop on highway or shoulder | 200 |
| 13 AAC 05.020(a)(3) | 49 CFR 392.24 | Lighted fusee may not be attached to vehicle | 100 |
| 13 AAC 05.020(a)(3) | 49 CFR 392.25 | Flame-producing emergency signal may not be used with dangerous cargo | 300 |
| 13 AAC 05.020(a)(3) | 49 CFR 392.30 | Lamps must be lighted while moving | 100 |
| 13 AAC 05.020(a)(3) | 49 CFR 392.31 | Lamps must be lighted when parked or stopped | 100 |
| 13 AAC 05.020(a)(3) | 49 CFR 392.33 | Lamps or reflectors obscured | 50 |
| 13 AAC 05.020(a)(3) | 49 CFR 392.42 | Failure to timely notify employer of license revocation | 300 |
| 13 AAC 05.020(a)(3) | 49 CFR 392.50 | Unsafe fueling practices | 100 |
| 13 AAC 05.020(a)(3) | 49 CFR 392.51 | Reserve fuel carried improperly | 200 |
| 13 AAC 05.020(a)(3) | 49 CFR 392.52 | Fueling bus in closed building with passengers aboard | 300 |
| 13 AAC 05.020(a)(3) | 49 CFR 392.60 | Transporting unauthorized person | 100 |
| 13 AAC 05.020(a)(3) | 49 CFR 392.61 | Allowing unauthorized person to drive | 300 |
| 13 AAC 05.020(a)(3) | 49 CFR 392.62 | Bus driver: Conservation/distraction prohibited | 100 |
| 13 AAC 05.020(a)(3) | 49 CFR 392.63 | Towing or pushing loaded bus | 300 |
| 13 AAC 05.020(a)(3) | 49 CFR 392.64 | Riding in closed vehicle without proper exit | 100 |
| 13 AAC 05.020(a)(3) | 49 CFR 392.65 | Sleeper berth: transfer to/from | 100 |
| 13 AAC 05.020(a)(3) | 49 CFR 392.66 | Carbon monoxide: Use of vehicle when detected | 300 |
| 13 AAC 05.020(a)(3) | 49 CFR 392.67 | No open flame heater while vehicle in motion | 300 |
| 13 AAC 05.020(a)(3) | 49 CFR 392.68 | Motive power not to be disengaged | 200 |
| 13 AAC 05.020(a)(3) | 49 CFR 392.69 | Sleeper berth: Only one person may occupy while vehicle in motion | 100 |
| 13 AAC 05.020(a)(5) | 49 CFR 395.1(h) | Maximum driving and on-duty time in Alaska | 150 |
| 13 AAC 05.020(a)(5) | 49 CFR 395.8 | Driver must record duty status | 100 |
| 13 AAC 05.020(a)(5) | 49 CFR 395.13(c) | Motor carrier may not allow out-of-service driver to drive | 300 |
| 13 AAC 05.020(a)(5) | 49 CFR 395.13(d) | Out-of-service driver may not drive | 300 |
| 13 AAC 05.020(a)(6) | 49 CFR 396.7 | Operation in unsafe condition forbidden | 300 |
| 13 AAC 05.020(a)(6) | 49 CFR 396.9(c)(2) | Operation of "Out of Service" vehicle prohibited | 300 |
| 13 AAC 05.020(a)(6) | 49 CFR 396.9(c)(3) | Removal of "Out of Service" sticker prohibited | 300 |
| 13 AAC 05.020(a)(6) | 49 CFR 396.11 | Failure to prepare daily vehicle inspection report | 50 |
| 13 AAC 05.020(a)(6) | 49 CFR 396.13 | Failure to review/sign last vehicle inspection report | 50 |
| 13 AAC 05.020(a)(6) | 49 CFR 396.17 | Periodic inspection and documentation required | 50 |
| 13 AAC 05.020(a)(7) | 49 CFR 399.211 | Steps, handholds and deck plates must be maintained | 50 |

ADMINISTRATIVE RULES

Rule 43.2

| State or Regulation | Description of Offense | Bail |
|-------------------------------|---|-------|
| 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 licenses | 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—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 |

Note to SCO 1215: The surcharge requirement was added by §§ 2 and 3, ch. 119 SLA 1994, adopting AS 12.55.039 and AS 28.05.151(c). This order is made for the sole reason that the legislature has mandated the amendments.

(Adopted by SCO 775 effective January 1, 1987; amended by SCO 910 effective September 15 1988; by SCO 944 effective September 30, 1988; by SCO 1047 effective nunc pro tunc September 12, 1990; by SCO 1151 effective February 1, 1994; and by SCO 1215 effective July 15, 1995)

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.

| Statute or Regulation | Description of Offense | Bail |
|---------------------------|---|----------------------|
| AS 16.05.330(a) | Sport fishing without license in possession | \$100 |
| AS 16.05.330(a) | Hunting without license in possession | 125 |
| AS 16.05.340(a) (17)(A) | Taking waterfowl without state duck stamp | 75 |
| AS 16.05.340(a) (23)&(24) | King Salmon Tag Required | 50 |
| AS 16.05.420 | False statement on license application | 200 |
| AS 16.05.480(a) | Crewmember fishing license required | 150 |
| AS 16.05.490(a) | Vessel license required | 200 |
| AS 16.05.520(a) | Vessel number plate | 100 |
| AS 16.05.680(1) | Employ unlicensed crew | 200 |
| 5 AAC 01.010(b) | Identification of subsistence finfish fishing gear | 100 |
| 5 AAC 01.010(i) | Escape mechanism requirements for subsistence fishing gear | 100 |
| 5 AAC 01.240(c) | Marking of subsistence taking king salmon (lower Yukon River) | 100 |
| 5 AAC 05.334(a) | ID requirements for commercial salmon drift gillnets (Yukon River) | 200 |
| 5 AAC 05.334(b) | ID requirements for commercial salmon stationary gear (Yukon River) | 200 |
| 5 AAC 07.334(a) | ID requirements for commercial salmon drift gillnets (Kuskokwim River) | 200 |
| 5 AAC 07.334(b) | ID requirements for commercial salmon stationary gear (Kuskokwim River) | 200 |
| 5 AAC 47.022(84) | Single hook required/snagging prohibited (Thomas Basin-Ketchikan) | 100 |
| 5 AAC 52.024(b) | Failure to record king salmon landing (Upper Copper River and Upper Susitna River area) | 100 |
| 5 AAC 56.010(b) | Taking red salmon in closed season (Russian River) | 100 plus 20 per fish |
| 5 AAC 56.010(c) (1-6) | Taking king salmon 16" or more in closed season (Kenai Peninsula) | 150 per fish |

Rule 43.2

ALASKA RULES OF COURT

| Statute or Regulation | Description of Offense | Bail | Statute or Regulation | Description of Offense | Bail |
|--------------------------------------|---|------------------------|-----------------------|--|--|
| 5 AAC 56.010(d-f) | Taking rainbow trout in closed season (Russian River/Kenai River area) | \$100 plus 20 per fish | 5 AAC 61.010(h) | Sport fishing during closed hours (Susitna-West Cook Inlet area) | \$100 plus 150 per king salmon and 20 per other salmon species |
| 5 AAC 56.015(a) | Rainbow/steelhead trout harvest record required (freshwaters of the Kenai Peninsula) | 100 | 5 AAC 61.015(a) | Rainbow/steelhead trout harvest record required (Susitna-West Cook Inlet area) | 100 |
| 5 AAC 56.015(b) | Failure to record rainbow/steelhead trout landing (freshwaters of the Kenai Peninsula) | 100 | 5 AAC 61.015(b) | Failure to record rainbow/steelhead trout landing (Susitna-West Cook Inlet area) | 100 |
| 5 AAC 56.017(a) | King Salmon harvest record required (freshwaters of the Kenai Peninsula) | 100 | 5 AAC 61.017(a) | King salmon harvest record required (Susitna-West Cook Inlet area) | 100 |
| 5 AAC 56.017(b) | Failure to record king salmon landing (freshwaters of the Kenai Peninsula) | 100 | 5 AAC 61.017(b) | Failure to record king salmon landing (Susitna-West Cook Inlet area) | 100 |
| 5 AAC 56.020(c) | Fishing from a boat where prohibited after taking a king salmon (Kenai River) | 100 | 5 AAC 61.035(c) | Using other than unbaited, single-hook, artificial lures in specified waters (Kenai Peninsula) | 100 |
| 5 AAC 56.035(c) (1-2), (j), (l), (m) | Using other than unbaited, single-hook, artificial lures in specified waters (Kenai Peninsula) | 100 | 5 AAC 61.035(d-e) | Using other than unbaited, artificial lures in specified waters | 100 |
| 5 AAC 56.035(f) | Fishing from a boat where prohibited (Kenai River) | 100 | 5 AAC 61.035(i) | Use of bait where prohibited (Susitna-West Cook Inlet area) | 100 |
| 5 AAC 56.035(g) | Fishing from a boat on Monday where prohibited | 100 | 5 AAC 75.020 | Sport fishing with more than one line | 100 |
| 5 AAC 58.017(a) | King salmon harvest record required (Cook Inlet-Resurrection Bay saltwater area) | 100 | 5 AAC 75.021 | More than 2 lines, hooks, or lures while ice fishing | 50 |
| 5 AAC 58.017(b) | Failure to record king salmon landing (Cook Inlet-Resurrection Bay saltwater area) | 100 | 5 AAC 75.022(a)(1) | Using fixed or weighted hook — freshwater | 100 |
| 5 AAC 58.020(c)(1) | Over limit of razor clams (Southern terminus of Kenai River to the southernmost tip of the Homer Spit) | 50 plus 2 per clam | 5 AAC 75.022(a)(2) | Multiple hook with gap larger than 1/8" — freshwater | 50 |
| 5 AAC 58.035(b) | Snagging or attempting to snag where prohibited (Cook Inlet north of a line extending west from Anchor Point) | 125 | 5 AAC 75.022(a)(4) | Unauthorized use of spear — sport fishing | 100 |
| 5 AAC 58.035(e) | Snagging or attempt to snag when prohibited (saltwater of the Homer Spit, fishery enhancement lagoon) | 125 | 5 AAC 75.022(a)(5) | Unauthorized use of arrow — sport fishing | 100 |
| 5 AAC 61.010(f) (1-5) | Taking king salmon 16" or more in closed season | 150 per fish | 5 AAC 75.022(c) | Attempt to snag — freshwater | 125 |
| | | | 5 AAC 75.022(c) | Fail to release — freshwater | 125 |
| | | | 5 AAC 75.023(a) & (b) | Illegal gear in single-hook waters | 50 |
| | | | 5 AAC 75.035(1) | ID requirements for shellfish sport fishing gear | 100 |
| | | | 5 AAC 75.035(2) | Escape mechanism requirements for shellfish sport fishing gear | 100 |

ADMINISTRATIVE RULES

Rule 43.3

| Statute or Regulation | Description of Offense | Bail | Statute or Regulation | Description of Offense | Bail |
|-----------------------|--|------------------------|---------------------------|---|------|
| 5 AAC 75.050(a) &(b) | Sport fishing in closed waters | \$100 plus 20 per fish | 5 AAC 93.060 (except (f)) | Failure to pay fee (Little Susitna Public Use Facility) (This does not include commercial violations under subparagraph (f).) | \$50 |
| 5 AAC 77.010(a) | Sport fish licenses required for personal use fishing | 100 | 5 AAC 95.515 (4)(A) | Refuse and waste (Little Susitna Public Use Facility) | 100 |
| 5 AAC 77.010(d) | ID requirements for personal use fishing gear | 100 | 5 AAC 95.515 (4)(D) | Pets (Little Susitna Public Use Facility) | 50 |
| 5 AAC 77.010(f) | Marking of personal use fish | 75 | 5 AAC 95.515 (4)(E) | Assembly (Little Susitna Public Use Facility) | 50 |
| 5 AAC 77.518 (2)(A) | Over limit of razor clams (From the terminus of the Kenai River to southernmost tip of Homer Spit) | 50 plus 2 per clam | 5 AAC 95.515 (4)(F) | Fires (Little Susitna Public Use Facility) | 50 |
| 5 AAC 92.010 | Harvest ticket not in possession; fail to validate | 100 | 5 AAC 95.515 (4)(H) | Limit on number of persons/vehicles (Little Susitna Public Use Facility) | 50 |
| 5 AAC 92.012(a) | Taking waterfowl without federal duck stamp | 75 | 5 AAC 95.515 (4)(I) | Camping in designated areas (Little Susitna Public Use Facility) | 50 |
| 5 AAC 92.012(a) | Unsigned federal duck stamp | 25 | 5 AAC 95.515 (4)(J) | Unattended campsite/vehicle (Little Susitna Public Use Facility) | 50 |
| 5 AAC 92.018 | Unsigned state duck stamp | 25 | 5 AAC 95.515 (4)(K) | Camping over 15 days or authorized limit (Little Susitna Public Use Facility) | 50 |
| 5 AAC 92.050(a)(7) | Failure to cancel permit after killing big game | 75 | 5 AAC 95.515 (4)(L) | Unauthorized coconations (Little Susitna Public Use Facility) | 100 |
| 5 AAC 92.050(a)(8) | Failure to submit permit hunt report | 75 | 5 AAC 95.515 (4)(M) | Traffic violations (Little Susitna Public Use Facility) | 50 |
| 5 AAC 92.062(d) | False information on application for Tier II permit | 200 | 5 AAC 95.515 (4)(N) | Violation of campground rules (Little Susitna Public Use Facility) | 50 |
| 5 AAC 92.080(1) | Unlawfully taking game by shooting from, on or across highway | 300 | | | |
| 5 AAC 92.100(a) (1-6) | 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 | | | |
| 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 (This does not include failure to salvage.) | 75 | | | |

(Adopted by SCO 778 effective January 1, 1987; amended by SCO 892 effective April 1, 1988; by SCO 1000 effective October 1, 1989; by SCO 1033 effective July 6, 1990; by SCO 1076 effective July 1, 1991; by SCO 1077 effective nunc pro tunc July 21, 1991; by SCO 1101 effective July 9, 1992; by SCO 1143 effective August 9, 1993; and by SCO 1170 effective May 1, 1994; by SCO 1218 effective May 15, 1995; and by SCO 1256 effective September 15, 1996)

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

Rule 43.3

ALASKA RULES OF COURT

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.

| Regulation | Description of Offense | Bail | Regulation | Description of Offense | Bail |
|------------------|---|------|------------------------|---|-------|
| 11 AAC 12.020(a) | Failure to comply with traffic or parking control signs | \$25 | 11 AAC 20.860(e) | Kenai River boat power not clearly marked | \$ 50 |
| 11 AAC 12.020(b) | Placing or operating a vehicle beyond boundaries established by barriers | 50 | 11 AAC 20.862(a) | Operating motor boat with more than six persons on board (Kenai River Special Management Area) | 100 |
| 11 AAC 12.020(c) | Placing or operating a vehicle except on a road or parking lot | 200 | 11 AAC 20.862(b) | Anchored boat obstructing channel (Kenai River Special Management Area, May 15-July 31) | 100 |
| 11 AAC 12.050 | Refuse and waste | 100 | 11 AAC 20.862(c) | Anchored buoy left unattended (Kenai River Special Management Area) | 100 |
| 11 AAC 12.110 | Motor vehicle operations | 50 | 11 AAC 20.870 | No wake area — Kenai Lake outlet | 50 |
| 11 AAC 12.120 | Horses | 50 | 11 AAC 20.875 | Water skiing except on Kenai Lake | 50 |
| 11 AAC 12.130 | Pets | 50 | 11 AAC 20.880 | Camping on Kenai River Islands | 50 |
| 11 AAC 12.150 | Construction of signs | 50 | 11 AAC 20.885(c) | Operating boat on Kenai River with expired, suspended or revoked guide number or sticker | 50 |
| 11 AAC 12.160 | Assembly | 50 | 11 AAC 20.885(d) | Sale of guide boat without notification or removal of sticker | 100 |
| 11 AAC 12.180 | Fires | 50 | 11 AAC 20.885(f) | Failure to remain within sight or sound of clients during guided activity (Kenai River Special Management Area) | 100 |
| 11 AAC 12.190 | Firearms and other weapons | 100 | 11 AAC 20.890(a) | Renting boats without permit (Kenai River Special Management Area) | 100 |
| 11 AAC 12.195 | Explosives | 100 | 11 AAC 20.905 | Use of alcoholic beverages | 50 |
| 11 AAC 12.200 | Underwater diving | 50 | 11 AAC 20.918(7) | Recreational gold panning in Kenai state parks | 100 |
| 11 AAC 12.230(a) | Camping outside developed campground | 50 | 11 AAC 20.919(5) | Recreational gold panning in Independence Mine State Historical Park | 100 |
| 11 AAC 12.230(b) | Unauthorized camping over 15 days | 50 | 11 AAC 20.958 | Use of bicycle in area or manner not allowed (Perseverance State Trail) | 50 |
| 11 AAC 12.230(c) | Return to campground in 15 days or less | 200 | 11 AAC 21.010(a) & (b) | Refuse and waste (Alaska Chilkat Bald Eagle Preserve) | 100 |
| 11 AAC 12.230(f) | Camping quiet hours 11 p.m. to 6 a.m. | 50 | 11 AAC 21.035 | Vandalism (Alaska Chilkat Bald Eagle Preserve) | 150 |
| 11 AAC 12.230(h) | Camping where signs prohibit | 50 | 11 AAC 21.045 | Construction of signs (Alaska Chilkat Bald Eagle Preserve) | 50 |
| 11 AAC 12.230(j) | Leaving food/food container accessible to bears | 50 | 11 AAC 21.050 | Explosives (Alaska Chilkat Bald Eagle Preserve) | 100 |
| 11 AAC 12.240 | Vandalism | 150 | 11 AAC 21.055 | Public use cabins (Alaska Chilkat Bald Eagle Preserve) | 50 |
| 11 AAC 12.245 | Public use cabins | 50 | 11 AAC 21.100(e) | Commercial activities (Alaska Chilkat Bald Eagle Preserve) | 100 |
| 11 AAC 12.250 | Fees | 50 | 11 AAC 21.105(f) | Closure and use management (Alaska Chilkat Bald Eagle Preserve) | 100 |
| 11 AAC 12.335(e) | Closures and use management | 50 | | | |
| 11 AAC 18.030(c) | Violation of non-competitive commercial permit stipulation | 100 | | | |
| 11 AAC 18.040(g) | Violation of competitive commercial permit stipulation | 100 | | | |
| 11 AAC 20.015(b) | Operating off-road vehicle on Eklutna Lakeside Trail when prohibited (Chugach State Park) | 100 | | | |
| 11 AAC 20.045(6) | Recreational gold panning (Chugach State Park) | 100 | | | |
| 11 AAC 20.860(b) | Kenai River boat power restricted to 35 h.p. | 150 | | | |

(Adopted by SCO 774 effective January 1, 1987; amended by SCO 841 effective June 1, 1987; by SCO 895 effective May 1, 1988; by SCO 992 effective August 1, 1989; and by SCO 1259 effective October 1, 1996)

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.

| Statute | Description of Offense | Bail |
|--------------|--|------|
| AS 18.35.300 | Smoking in a regulated place in which smoking is regulated | \$40 |
| AS 18.35.305 | Smoking in a place in which smoking is prohibited | 40 |
| AS 18.35.330 | Failure to display smoking and no smoking signs | 100 |

(Adopted by SCO 776 effective January 1, 1987; amended by SCO 1152 effective February 1, 1994)

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.

| Statute | Description of Offense | Bail |
|---|---|-------------------------------|
| AS 04.11.498 an ordinance adopted under this statute | Possession of an alcoholic beverage in a community which has voted in a local option election to prohibit | \$100 for first and second |

such possession offense

(Adopted by SCO 777 effective January 1, 1987)

Rule 43.6. Oversize Vehicle Bail Forfeiture Schedule.

Pursuant to AS 45.75.133 the following 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.

| Statute or Regulation | Description of Offense | Bail Forfeiture Amount |
|--|--|------------------------|
| 3 AAC 35.110 AS 45.75.380(a)(11) | Failure to stop at weigh station | \$100 |
| 3 AAC 35.120(b) AS 45.75.380(a)(11) | Driving without permit when required | 200 |
| 3 AAC 35.120(b) AS 45.75.380(a)(10) | Permit has expired | 100 |
| 3 AAC 35.120(b) AS 45.75.380(a)(10) | Load is reducible and not specifically authorized by permit | 100 |
| 3 AAC 35.120(b) AS 45.75.380(a)(10) | Moving during a period of time not authorized by permit | 100 |
| 3 AAC 35.120(b) AS 45.75.380(a)(10) | Traveling off route specified on permit | 100 |
| 3 AAC 35.120(b) AS 45.75.380(a)(10) | Exceeds maximum size stated on permit | 100 |
| 3 AAC 35.120(b) AS 45.75.380(a)(10) | Has overhang not authorized by permit | 100 |
| 3 AAC 35.120(b) AS 45.75.380(a)(10) | Does not have proper signs, beacons, pilot cars, communications, flags or police escort (where required by permit) | 100 |
| 3 AAC 35.120(b) AS 45.75.380(a)(10) | Does not conform with special conditions described on permit (other than speed) | 100 |
| 3 AAC 35.120(b) AS 45.75.380(a)(10) | Speeding: 3—9 MPH over limit set in permit | 4/mile |
| | 10—19 MPH over limit set in permit | 4/mile |
| 3 AAC 35.140 AS 45.75.380(a)(11) | No permit on vehicle; or, issuance cannot be readily verified | 100 |
| 17 AAC 25.012(a) | Overwidth, 8' 6" | 50/ft. |

Rule 43.6

ALASKA RULES OF COURT

| Statute or Regulation | Description of Offense | Bail Forfeiture Amount |
|--|--|----------------------------|
| AS 45.75.380(a)(11) | maximum | or fraction thereof |
| 17 AAC 25.012(b) AS 45.75.380(a)(11) | Overheight, 14' maximum except: Anchorage — 15' maximum Dalton & Elliot Hwys. — 17' maximum | 50 |
| 17 AAC 25.012(c) AS 45.75.380(a)(11) | Overlength single power vehicle (40' maximum) | 50/ft. or fraction thereof |
| 17 AAC 25.012(c) AS 45.75.380(a)(11) | Overlength semi-trailer, 48' maximum (non-designated highways) | 50/ft. or fraction thereof |
| 17 AAC 25.012(c) AS 45.75.380(a)(11) | Overlength semi-trailer, 48' maximum | 50/ft. or fraction thereof |
| 17 AAC 25.012(c) AS 45.75.380(a)(11) | Overlength combination of vehicles, 75' maximum, including load | 50/ft. or fraction thereof |
| 17 AAC 25.012(d) AS 45.75.380(a)(11) | Overhangs — 3' front, 4' rear maximum | 20/ft. or fraction thereof |
| 17 AAC 25.013(a)(1) AS 45.75.380(a)(11) & (b) | Overweight tires | .05/lb |
| 17 AAC 25.013(a)(2) AS 45.75.380(a)(11) & (b) | Overweight axle | .05/lb |
| 17 AAC 25.013(a)(3) AS 45.75.380(a)(11) & (b) | Overweight gross | .05/lb |
| 17 AAC 25.013(b) AS 45.75.380(a)(11) | Overweight distribution | 200 |
| 17 AAC 25.013(b) AS 45.75.380(a)(11) & (b) | Overweight inner gross (tractor and first cargo vehicle) | .05/lb |
| 17 AAC 25.013(c) AS 45.75.380(a)(11) & (b) | Overweight axle combination | .05/lb |
| 17 AAC 25.014(a) AS 45.74.380(a)(11) | Triples prohibited without permit (three cargo carrying units) | 300 |
| 17 AAC 25.014(b) AS 45.75.380(a)(11) | Overlength long combination vehicle (LCV) - 120' maximum overall length of cargo vehicles (designated highways) | 50/ft. or fraction thereof |
| 17 AAC 25.014(c) AS 45.75.380(a)(11) | Overlength combination of vehicles, 85' maximum (designated highways) | 50/ft. or fraction thereof |
| 17 AAC 25.014(d) AS 45.75.380(a)(11) | Overlength semi-trailer, 53' maximum if in combination with truck tractor (designated highways) | 50/ft. or fraction thereof |

| Statute or Regulation | Description of Offense | Bail Forfeiture Amount |
|--|---|------------------------|
| 17 AAC 25.014(e)(2) AS 45.75.380(a)(11) | Oversize sign required on combinations over 75' | 50 |
| 17 AAC 25.014(f) AS 45.75.380(a)(11) | Reasonable access, 5 miles maximum | 150 |

(Adopted by SCO 849 effective October 1, 1987; amended by SCO 1102 effective July 9, 1992; and by SCO 1220 effective August 15, 1995)

Rule 43.7. Warning Signs Bail Forfeiture Schedule.

Pursuant to AS 04.21.065(g), the following bail forfeiture amount is established for violation of the law requiring the posting of warning signs. If a person charged with this offense appears in court and is found guilty, the penalty imposed for the 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.

| Statute or Regulation | Description of Offense | Bail Forfeiture Amount |
|-----------------------|--|------------------------|
| AS 04.21.065 | Failure to post warning signs about birth defects, or about providing alcoholic beverages to persons under 21. | \$100 |

(SCO 1131 effective July 15, 1993; amended by SCO 1175 effective December 1, 1994)

Rule 44. Rulemaking.

(a) **Uniform Policy.** The supreme court shall make and promulgate rules governing administration of all courts, and practice and procedure in civil and criminal cases in all courts. The rules shall be uniform throughout the Alaska Court System.

(b) **Request for Rulemaking.** Any person may propose new rules or changes in present rules to the supreme court. Each proposal must:

- (1) Be in writing;
- (2) Include the language proposed for change;
- (3) Include the reason for the suggested rule or change;
- (4) Be submitted to the court rules attorney at the Anchorage Office of the Administrative Director of Courts.

The court rules attorney shall review each proposal. If the proposal is unclear or in need of further

AMENDMENT

B

OFFERED IN THE HOUSE

TO: HB 261

1 Page ~~3~~⁴ line 31:

2 Delete "\$15"

3 Insert

4 "(A) \$15 if the fine or bail forfeiture amount for the offense

5 is \$30 or more; or

6 (B) \$5 if the fine or bail forfeiture amount for the offense

7 is less than \$30"

Alaska State Legislature

Interim:
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907/283-3075 fx
907/262-7574 hm

Session:
State Capitol
Juneau, AK 99801
907/465-2693
fx 907/465-3835
800/463-2693

Representative Gary Davis

SECTIONAL ANALYSIS COMMITTEE SUBSTITUTE TO HOUSE BILL 261 (JUD)

"An Act relating to surcharge imposed for violations of state or municipal law and to the Alaska police training fund"

- Section 1: Adds a new subsection to **AS 12.25.195, Disposition of Scheduled Offences**, that requires payment of the surcharge prescribed in AS 12.55.039 before an offence may be disposed. Specifies that the surcharge paid will be deposited into the general fund and accounted for under AS 37.05.142, Accounting for Program Receipts.
- Section 2: Amends **AS 12.25.200, Form for Citations**, subsection (b) to require that the amount of the surcharge applicable to the offense be indicated on the citation issued.
- Section 3: Adds a new section to 12.55.035, Fines, to indicate that the judge may not consider the amount of the surcharge when imposing a fine.
- Section 4: Amends **AS 12.55.039, Surcharge**, subsection (a) by increasing the surcharge assessed and expanding the list of offenses for which surcharges may be charged.
- Section 5: Amends **AS 18.65.225, Alaska Police Training Fund**, to include the surcharges collected under AS 12.25.195(c) and AS 29.25.072 in the amounts that may be appropriated to the fund
- Section 6: Amends **AS 29.05.151, Citations for Scheduled Vehicle and Traffic Offenses**, to require that the surcharge prescribed in 12.55.039 be applied for offenses that do not require a court appearance.
- Section 7: Amends **AS 29.10.200, Limitation of Home Rule Powers**, to include AS 29.25.072 (surcharge) in the list of limitations.

*Representing House District 8
Cooper Landing, Funny River, Hope, Moose Pass, Seward, Sterling, Soldotna*

Representative_Gary_Davis@legis.state.ak.us

Section 8: Adds a new section to **AS 29.25, Municipal Enactments**, that states a municipality, including home rule and general law municipalities, may not enforce an ordinance for which a fine or imprisonment is prescribed unless that municipality authorizes and provides for the collection of the surcharge. It further states that the surcharge will be deposited into the general fund and accounted for under AS 37.05.142, Accounting for Program Receipts.

Section 9: Amends **AS 29.25.075, Collection of Penalties**, to allow courts to collect the surcharge for the municipality.

Letters of Support: House Bill 261, Law Enforcement Training Surcharge

Municipality of Anchorage: Bob Bell, Assemblyman (2/19/98)
Alaska Association Chiefs of Police: Tom Walker, President (2/5/98)
Alaska Peace Officers Association: John Charbonneau, President (2/11/98)

Police Departments

| | |
|------------------------|--|
| Anchorage | Duane Udland, Chief of Police, (1/29/98) |
| Anchorage | Lt. Mcchan, Training Section to Chief Udland, (2/4/98) |
| Dillingham | Brent Moody, Chief of Police (1/28/98) |
| Homer | Dennis Oakland, Chief of Police (2/19/98) |
| Hoonah | Robert Beasley, Chief of Police (2/6/98) |
| Kenai | Daniel Morris, Chief of Police (2/6/98) |
| Kodiak | John Palmer, Chief of Police (2/12/98) |
| Nome | Milton Haken, Chief of Police (2/6/98) |
| North Slope Borough | G. Scott Campbell, Chief of Police |
| Sitka | Lynn Lamir, Chief of Police (2/10/98) |
| Soldotna | Shirley Warner, Chief of Police (2/17/98) |
| Univ. of AK, Anchorage | Robert E. Bachand, Chief of Police (2/10/98) |
| Unalaska | Glenn Herbst, Director of Public Safety (2/6/98) |
| Valdez | Joseph Michaud, Chief of Police (2/6/98) |
| Wasilla | Charlie Fannon, Chief of Police (2/3/98) |

STATEWIDE

| OFFENSE | TOTAL ISSUE | PENDING | ACQUIT | NOT FILED | NOLO | DISMISS | BAIL FORFEIT | GUILTY | NOT GUILTY | NOT PROS | SIS/ DIS | CLOSED STAT | UN- KNOWN |
|----------------------------|----------------|---------|--------|--------------|--------|---------|-----------------|--------|---------------|-------------|-------------|----------------|--------------|
| 8860 PE OL SHELLFISH | 1 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 1 | 0 | 0 |
| 8861 PE OL FINFISH | 1 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 1 | 0 | 0 |
| 8862 PE OL MISC | 1 | 0 | 0 | 0 | 1 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| 8870 PE UG FL MK GR/BUOY | 7 | 2 | 0 | 0 | 2 | 2 | 1 | 0 | 0 | 0 | 0 | 0 | 0 |
| 8871 PE UG IMP MK GR/BUOY | 2 | 0 | 0 | 0 | 2 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| 8890 PE MI FAIL TO MK FSH | 33 | 7 | 0 | 0 | 20 | 1 | 0 | 1 | 0 | 0 | 0 | 0 | 0 |
| 8894 PE MI BY NON RESIDENT | 4 | 2 | 0 | 0 | 2 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| 8895 PE MI MISC | 4 | 2 | 0 | 0 | 1 | 0 | 0 | 0 | 0 | 0 | 1 | 0 | 0 |
| 9567 WATER SAFETY | 47 | 29 | 0 | 0 | 9 | 2 | 4 | 3 | 0 | 0 | 0 | 0 | 0 |
| 9935 MINOR CONSUMING 9/95 | 3,695 | 581 | 0 | 0 | 1,545 | 444 | 31 | 1,064 | 12 | 0 | 15 | 3 | 0 |
| STATEWIDE TOTAL | 851 | 17,793 | 47 | 0 | 33,308 | 10,628 | 17,092 | 17,332 | 496 | 1 | 274 | 98 | 2,782 |

Alaska State Legislature

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145 Main St. Lp., 223
Kenai, Alaska 99611
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907/283-3075 fx
907/262-7574 hm



Session:
State Capitol
Juneau, AK 99801
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Representative Gary Davis

SPONSOR STATEMENT

HOUSE BILL 261

“An Act relating to a surcharge imposed for violations of state or municipal law and to the Alaska police training fund”

The Alaska Police Training Fund, created in 1994 by the legislature, was established January 1, 1996. The purpose of the fund is to “. . . provide a stable funding source for law enforcement and corrections officer training. . .” To this end, the legislature established a schedule of surcharges to be applied to various offenses and provided that the equivalent of the surcharges collected be deposited in the Police Training Fund. From that fund the legislature may appropriate amounts for the operation of the Public Safety Training Academy and for training programs established by the Alaska Police Standards Council.

House Bill 261 expands the list of offenses on which a surcharge may be imposed and increases existing surcharges. Its purpose is to provide additional funding for public safety training and obtain that funding from the surcharges imposed on individuals who violate the law.

Each year the Alaska Public Safety Training Academy in Sitka requires general fund appropriations in addition to what it receives through the police training fund. This is also true of training programs established by the Alaska Police Standards Council. Hopefully, the additional revenue received from the enactment of HB 261 will stabilize and perhaps reduce the amount of general fund appropriations needed to sufficiently fund our public safety training programs.

HB261/SS/1/21/98

*Representing House District 8
Cooper Landing, Funny River, Hope, Moose Pass, Seward, Sterling, Soldotna*

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