

HEB

261

FISCAL NOTE

STATE OF ALASKA
1998 LEGISLATIVE SESSION

BILL NO. HB 261

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						
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CHANGE IN REVENUES ()						
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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

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Session:

State Capitol
Juneau, AK 99801
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Representative Gary Davis

DATE: February 23, 1998

TO: Representative Joe Green, Chair ✓ *Joe*
House Judiciary Committee
Representative Con Bunde, Vice-Chair
Representative Jeannette James
Representative Brian Porter
Representative Norm Rokeberg
Representative Ethan Berkowitz
Representative Eric Croft

FROM: Representative Gary Davis *[Signature]*

RE: **House Bill 261, Law Enforcement Training Surcharge**

*Green
Pls put in
bill folder
G*

Several issues were raised at the January 28, 1998, hearing on House Bill 261. We spoke with Laddie Shaw of the Alaska Police Standard Council regarding these issues and have summarized his responses in this memorandum.

Uses of the Police Training Fund

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 the funds using reimbursable service agreements (RSAs) as follows:

	<u>FY 96</u>	<u>FY 97</u>
Total Funds Received by APSC	103.6	377.3
RSA to Training Academy		
Basic Recruit Training	86.0	86.5
Recertification	15.4	13.2
Advanced In-Service	<u>0.0</u>	<u>32.0</u>
Total RSA	101.4	131.7
Balance used by APSC	2.4	245.6

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

Representative_Gary_Davis@legis.state.ak.us

The APSC uses the funds remaining after distribution to the academy for the following purposes:

- instructor and instructional materials required for basic recruit training of city police officers with the exception of Anchorage officers (Anchorage officers attend the Anchorage academy which to date has received no funding from the APSC for basic training);
- instructor and instructional materials for additional training provided to state troopers and all city police officers who attend the classes held at the state academy;
- a nominal fee for the use of the state academy to hold these classes;
- instructor and instructional materials for additional training provided to state troopers and all city police officers who attend the classes held at the Anchorage academy (these classes normally have about 40 percent of their students from the Anchorage Police Department);
- transportation costs for officers to attend these training sessions; and
- instructors, instructional materials and transportation for VPSOs to attend training

Anchorage Police Academy

There was much discussion concerning whether the Anchorage Police Academy received funds directly, and what benefits Anchorage derived from the program, especially considering the amount of surcharges collected from the Anchorage area.

To date, the Anchorage Police Academy has not received direct funding from the APSC. Anchorage police officers do, however, benefit from the additional training provided by the APSC. They attend--free of charge like all other officers--seminars, specialty training, and other types of training provided by the APSC. As stated above, approximately 40 percent of the participants in classes held by the APSC at the Anchorage Academy are Anchorage police officers.

According to Laddie Show, plans are currently underway to begin providing funds directly to the academy for some operation and maintenance funds (purchasing new equipment, etc.) and also to defray the costs of the basic recruit training of the Anchorage police officers

Distribution of Citations Issued

We were asked who issued citations and whether or not citations were issued on violation of city ordinances or state law. There are 16 boroughs or unified home rule municipalities; 49 incorporated cities within boroughs and 96 incorporated cities in the unorganized borough, for a total of 161 cities/boroughs. Of that total, 4 boroughs/municipalities and 20 incorporated cities (8 within boroughs; 12 in the

unorganized borough) write citations on municipal ordinances rather than state statute. These are listed below. The remaining municipalities write citations on state statutes.

<u>Borough/Home Rule Municipality</u>	<u>Cities Within Boroughs</u>		<u>Cities in the Unorganized Borough</u>		
Anchorage	Fairbanks	Kodiak	Alakanuk	Dillingham	Skagway
Haines	Homer	Kotzebue	Bethel	Nome	Unalaska
Juneau	Kenai	Palmer	Cordova	Petersburg	Valdez
Sitka	Ketchikan	Seward	Craig	St. Mary's	Wrangell

Listed below are the number of citations issued by the Anchorage Police Department, other municipal police departments and the state troopers. According to the APSC, the state troopers issue very few citations within the Anchorage boundaries. There are three troopers attached to the Anchorage Post Service Unit, and if they issue citations, it's going to and from work. There is also a Girdwood Post Patrol Unit that encompasses Potters Marsh to Turnagain Pass.

Number of Citations Issued in Calendar Year 1996 and 1997

1996 Citations	<u>Anchorage</u>	<u>Other Cities</u>	<u>Troopers</u>	<u>Total</u>
Issued	32,722	37,338	29,791	99,851
Pled Nolo/Forfeit/Guilty	13,654	31,855	22,223	67,732
Surcharges Received	\$61.7		\$60.7	\$122.4
1997 Citations				
Issued	45,672	31,464	18,516	88,803
Pled Nolo/Forfeit/Guilty	19,134	22,985	11,873	53,992
Surcharges Received	\$155.5		\$92.4	\$247.9

It is interesting to note that in the letter of support received from Unalaska, one of the reasons for supporting the expansion of surcharges to all felonies, misdemeanors and infractions was that this would allow rural communities with limited or no road systems to make a more meaningful contribution.

Fiscal Impacts

The Court System indicated that a new computer system to be installed in 2 years will handle the accounting of these surcharges. Until that time, they will need 3 additional full-time clerks to handle the accounting of these surcharges. Their fiscal note estimates the cost for these clerks and supplies to be \$124,900 for the first year and \$116,900 for the second.

The APSC issued a revised fiscal note using fiscal year 1997 data as a basis for anticipated revenues. It should be noted that the estimated revenue assumes that 100 percent of the surcharges will be collected. For discussion and planning purposes,

100% Existing Receipts \$450.0; new receipts \$1,147.00; total receipts \$1,597.00
75% Existing Receipts \$337.5; new receipts \$ 860.25; total receipts \$1,197.75
50% Existing Receipts \$225.0; new receipts \$ 573.50; total receipts \$ 798.50

Listed below are the actual FY96 and FY97 figures for the State Academy and APSC:

	FY 96 Actual		FY 97 Actual	
	APSC	Academy	APSC	Academy
General Fund:	127.1	855.6	125.9	862.1
Program Receipts	10.9	13.1		14.5
Interagency Receipts	103.6	384.2	377.3	606.7
Total Budget	241.6	1,152.9	503.2	1,483.3

Additional Support of the Bill

Letters of support have been received from the following organizations since the committee heard this bill. (Copies of the letters will be provided to committee staff for inclusion in the committee packets.)

- Alaska Association of Chiefs of Police (2/5/98)
- Alaska Peace Officers Association (2/11/98)
- Anchorage Police Department (1/29/98)
- Correspondence from Lt. Mcchan of Anchorage Police to Chief Udlund (2/4/98)
- Dillingham (1/28/98)
- Homer (2/19/98)
- Kenai (2/6/98)
- City of Nome (2/6/98)
- Sitka (2/10/98)
- Unalaska (2/6/98)
- Valdez (2/6/98)
- Wasilla Police Department (2/3/98)

I hope this memorandum addresses your concerns and questions. If you would like additional information, please contact Deb Davidson of my staff.

Alaska Association Chiefs of Police



Rec'd
2-4-98
5:45 PM

February 5, 1998

Dear Representative Davis,

I am writing to pledge the support of the Alaska Association of Chief of Police to House Bill 261. The passage of this bill will complement the existing "ticket surcharge", which has generated funds for training Police, Troopers and Corrections Officers statewide, from Aniak to Sitka and Anchorage to Barrow.

It further provides some measure of needed relief from the heavy burden of the costs associated with the arrest and incarceration of criminals. House Bill 261 shifts some of these costs associated with the criminal justice system away from the taxpayer, and onto the criminals themselves. Society must hold these individuals accountable for their actions and make them pay a portion of the costs of dealing with their criminal behavior.

House Bill 261 further assists our police officers, who are putting their lives on the line, by providing them quality training to deal with an increasing amount of violence in our communities. It will also show our citizens and peace officer that public safety is a priority and the State of Alaska is committed to providing a safe environment for our citizens and holding our criminals accountable for their actions

Sincerely

A handwritten signature in cursive script that reads "Tom Walker".

Tom Walker
President

STATE OFFICE
ALASKA PEACE OFFICERS ASSOCIATION

P.O. Box 240106 Anchorage, Alaska 99524-0106 Phone (907) 277-0515 Fax (907) 272-5355



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Pres. First City Chapter

Robert Claus, Member
Craig
Pres. Prince of Wales Chapter

John Lucking, Jr., Member
Unalaska
Pres. Aleutian Islands Chapter

Representative Gary Davis
Alaska State Legislature
State Capital
Juneau, Alaska 99801-1182

February 11, 1998

Dear Representative Davis,

On behalf of the Alaska Peace Officers Association (APOA), I would like to thank you for introducing HB 261 relating to surcharges imposed for violations of state or municipal law and to the Alaska police training fund.

At a recent meeting of the APOA Board of Directors, we unanimously agreed to endorse HB 261. We feel that this legislation will further clarify current language currently set out in Alaska statute and will assist in establishing additional surcharge guidelines for felonies, misdemeanors, violations, and infractions. Finally, it will further ensure much-needed funds for the Alaska police training fund for the law enforcement and corrections community.

Please contact us if there is anything we can do to assist you with this bill as it proceeds through the legislative process. You may contact us at the APOA office in Anchorage at 277-0515.

Once again, thank you for sponsoring this legislation.

Sincerely,

A handwritten signature in dark ink, appearing to read "John Charbonneau".

John Charbonneau
State President
Alaska Peace Officers Association



*Rick Mystrom,
Mayor*

ANCHORAGE POLICE DEPARTMENT

4501 South Bragaw Street • Anchorage, Alaska 99507-1599

Telephone (907) 786-8500

<http://www.ci.anchorage.ak.us>



Service since 1921

January 29, 1998

Representative Gary Davis
Alaska State Legislature
State Capitol (MS 3100)
Juneau, Alaska 99801-1182

Dear Representative Davis:

The Anchorage Police Department fully supports House Bill 261, which would provide additional funding for law enforcement training statewide.

A monetary surcharge on all criminal convictions is a creative and painless way of paying for important police training without further burdening taxpayers. In Anchorage, the population has continued to increase, requiring more officers, and thus, more training. The estimated revenue from this proposal would also allow many smaller departments who have even tighter budgets to provide much-needed training to their officers.

On behalf of police officers throughout the state, we appreciate your efforts and support of this bill.

Sincerely,

Duane S. Udland
Chief of Police

DSU/ros



Anchorage Police Department
Service Since 1921

MEMORANDUM

Date: February 4, 1998
To: Chief Udland
From: Lt. Mcchan, Training Section
Subject: Surchargc Benefits through The Alaska Police Standards Council

During the fiscal year 1997, the Alaska Police Standards Council (APSC) provided quality assistance to APD through training and equipment. A few of the courses included a week long Leadership Development course and a Death Investigations course; Lynn Curry was the instructor for the Leadership class. One of the pieces of equipment APSC provided was an expensive projector which is kept here at the Training Center. This projector is one of the new machines that is compatible with the new computer programs being used by an increasing number of instructors.

In addition to the training and equipment, the support they provided was excellent. On a regular basis either one of my staff or I called and received superb assistance from the local APSC staff. Specifically, Billy Andrews and Debbie George have been extremely helpful. On the occasions I have worked with Laddy Shaw, I have found him quite willing to provide support.

Regarding the surcharge distribution program, I believe it has helped unite the law enforcement community throughout the state. As a result of this program, I have had more contact with the different agencies within Alaska. This contact has been very positive. Instead, of each agency fending for themselves, we are able to reach across the state and address training needs and challenges together.

In addition to strengthening relationships within the law enforcement community, the distribution program has increased our working relationship with the Department of Corrections (DOC). This fosters a stronger criminal justice community; instead of the police being polarized from DOC, we now work together as more of a team. This cannot help but strengthen our service to the community.

To be sure, there are times when the different agencies involved in the surcharge distribution do not agree. However, the benefits of being able to resolve our differences among ourselves are paying dividends that are hard to measure in monetary terms. These benefits, though, are very real. Like a family, our ideas or beliefs don't always coincide; however, we are gaining ground on respecting each others opinions. Sometimes we even agree to disagree.

- Chief, I recommend no changes be made to how the surcharge distributions are decided. I believe the program is working to unite the players in the criminal justice system to work as a team. We simply have never had a program that worked in the way the surcharge program has; it has become a catalyst that unites the agencies.



CITY OF
DILLINGHAM
ALASKA

404 "D" Street
P.O. Box 889
Dillingham, Alaska 99576

24 hrs (907) 842-5354
(907) 842-5172
Fax (907) 842-5785

January 28, 1998

Representative Gary L. Davis
Alaska State Legislature
State Capital (MS 3100)
Juneau, Alaska 99801-1182

RE: House Bill # 261 Surcharge on Criminal Cases

Dear Representative Davis,

I want to inform you of my support for HB# 261, this bill if passed will help all law enforcement in Alaska and the funding that will be seen from the surcharges is badly needed.

The Alaska Police Standards Council has used the traffic fine surcharge in a very responsible manner and has funded the training on the southwest coast for all law enforcement, State, Local and City along with VPSO, corrections and probation.

I support this bill, law enforcement in Alaska needs the money, APSC is the perfect state agency to manage the fundings usage, please support this very important bill.

Sincerely,

A handwritten signature in black ink, appearing to read "Brent C. Moody".

Brent C. Moody
Chief of Police



CITY OF HOMER

POLICE DEPARTMENT

4060 HEATH STREET HOMER, AK 99603-7609

EMERGENCY 911
TELEPHONE (907) 235-3150
TELECOPIER (907) 235-3151

February 19, 1998

Representative Gary L. Davis
Alaska State Legislature
State Capitol (MS3100)
Juneau, Alaska 99801

Dear Representative Davis,

The Homer Police Department supports House Bill 261 which would provide additional funds for training police and correctional officers throughout the State of Alaska.

The majority of communities in Alaska have suffered from reduced revenues coupled with a demand for an increase in services and the quality of those services provided.

This community has implemented the concept of community based policing which has shown to be an effective tool for combating crime all over the nation. This type of policing requires an knowledgeable skilled police officer which can only be retained through quality training. The State of Alaska has set high standards for our police and correctional officers and to ensure we maintain these standards we need to provide them the necessary educational tools to maintain their professionalism.

House Bill 261 shifts the financial burden of training from the taxpayer to the criminal who should be held financially responsible for their misconduct.

Please contact me if you have any questions related to law enforcement issues. Thank you for your support of this important public safety issue.

Sincerely,

Dennis Oakland
Chief of Police

HOONAH POLICE DEPARTMENT

"Serving since 1946"

379 RAVIN DRIVE - PO BOX 460 - HOONAH, ALASKA 99829-0460
BUSINESS (907)-945-3655 FAX (907) 945-3658

February 6, 1998

Senator Jerry Mackie
Alaska State Capitol Building
Juneau, Alaska 99801-1182

Re: House Bill No. 281

Dear Senator Mackie:

Please support the new legislation proposed by Representative Gary Davis that would add a surcharge to Felonies, Misdemeanors and Infractions; which would help the Alaska Police Standards Council (APSC) continue to fulfill their obligations in making available criminal justice training to all municipal and state law enforcement officers, corrections, probation and parole officers, and Village Public Safety Officers.

With APSC's Fiscal Year-98 budget currently dependent primarily on traffic surcharge revenues, I concur wholeheartedly with other Chiefs of Police, in that APSC probably cannot meet the training demands presently, or in the future as well unless this bill passes.

As you are aware, the Alaska Police Standards Council plays a vital role in the quality of training provided for law enforcement officers in this state. Alaska has the finest calibers of individuals in police service in perhaps the world. Much of that recognition is attributed to the training provided for by APSC.

Your support of this newly proposed legislation would be greatly appreciated. Keeping our law enforcement community properly trained improves that quality of safety provided to us all.

Thank you in advance for your consideration. If you should have any questions or concerns, please do not hesitate to contact me.

Sincerely,

Robert L. Beasley,
Chief of Police

cc:

Honorable Albert W. Dick, Mayor of Hoonah
Representative Gary Davis
Ms. Johanna Dybdahl, Tribal Director, HIA
Chief Tom Walker, President, AACOP
Mr. Laddie Shaw, Executive Director, APSC
Mr. Robin Lown, VPSO Program Manager, CCTHTA

** TOTAL PAGE.002 **



KENAI POLICE DEPT.

107 SOUTH WILLOW ST., KENAI, ALASKA 99611
TELEPHONE: (907) 283-7879 • FAX (907) 283-2267

February 6, 1998

Representative Gary L. Davis
Alaska State Legislature
State Capital (MS3100)
Juneau, AK 99801-1182

Dear Representative Davis,

The Kenai Police Department supports House Bill 261, which would increase funding for law enforcement and corrections training statewide.

The additional surcharge for misdemeanor and felony convictions would greatly enhance training for officers statewide. As with many occupations training is critical to providing quality and professional services to our communities. Basic police training provides our officers with the minimum knowledge and skills necessary to perform law enforcement duties. That basic training is currently provided at the academy in Sitka at a cost of \$5,700.00 per student, and is paid by the Alaska Police Standards Council. Further training after the academy is critical in developing and maintaining a professional police department. Advanced training has become even more critical during the past decade as the criminal justice system has become more complex and civil litigation has become more common.

As with the state government our local governments continue to struggle with funding issues at the same time the public expects better and increased services.

House Bill 261 would provide a much-needed increase in revenue for training without an increase in taxes.

Members of the Kenai Police Department recognize and appreciate your efforts in sponsoring this legislation.

Respectfully,

Daniel L. Morris
Chief of Police

SDG

February 12, 1998

FAX (907) 486-8093

State of Alaska
Senator Jerry Mackie
Alaska State Legislature
State Capital Building
Mail Stop 3100
Juneau, Alaska 99801-1182

RE: Proposed new legislation to add surcharge to Felonies, Misdemeanors, Infractions

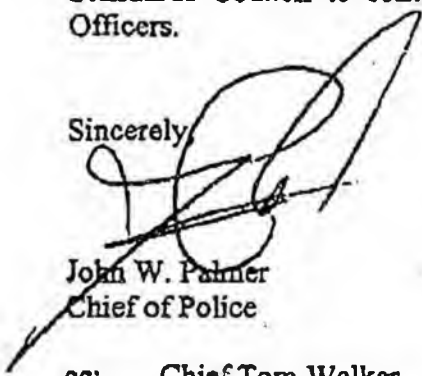
Dear Senator Mackie:

I am asking for your support of the new legislation proposed by Rep. Gary Davis that would add a surcharge to Felonies, Misdemeanors, and Infractions. A few years ago the legislature passed a surcharge to be assessed on traffic violations. This surcharge was to help funding law enforcement training through the Alaska Police Standards Council.

The funding for APSC was cut by 50% for FY96 and all remaining funding except for the traffic surcharge funds were cut for FY98. The traffic surcharge was never meant to be the single funding source for APSC. With the ever increasing training needs of law enforcement throughout the state I am very concerned about the level of funding for APSC. The Alaska Police Standards Council has been tasked with the responsibility of maintaining the professional standards of all police officers throughout the State of Alaska. Decreases in funding which handicap the continued professional development of the police officers in this state will have deleterious consequences for all Alaskans.

I strongly urge your support of this new surcharge legislation which will assist the Alaska Police Standards Council to continue their support and professional development of Alaskan Peace Officers.

Sincerely,



John W. Palmer
Chief of Police

cc: Chief Tom Walker
Mr. Laddie Shaw, APSC
Representative Gary Davis

1998



CITY OF NOME

P.O. BOX 281 · NOME, ALASKA 99762
TELEPHONE (907) 443-5262

February 6, 1998

Representative Gary Davis
State of Alaska Legislature
Juneau, Ak. 99801

Ref: Proposed new legislation to add surcharge to Felonies, Misdemeanors, Infractions

Dear Representative Davis,

Sir, I am the new Chief of Police for the City of Nome. I whole-heartedly support the proposed legislation you have introduced to add a surcharge to Felonies, Misdemeanors and Infractions. When the surcharge for traffic violations was passed several years ago, it was a progressive and pro-active step to help Alaska Police Standards Council fund badly need Alaska Law Enforcement Training. Since the surcharge was passed, L.E. Training in the State has improved dramatically, but we have a long ways to go, as training for us in Alaska is very expensive.

When I took over the Chief's position in November, I found a Police Department of eight (8) sworn Officers, who have been neglected in the area of training. Example: our Officers have not fired, trained, and qualified with their weapons in over three years. I have funding to buy new weapons and ammo, but I'm asking APSC for funding to fly a firearms instructor to Nome to train my Officers. This is just one training need and the easiest to address. At issue with most of the training problems are the costs of travel and per diem to get an Officer to badly need schools. My Department is no different than any other in the State. For obvious civil liability reasons, we cannot afford not to train, yet funding is limited locally and we turn to APSC for help.

When the surcharge was passed a few years ago, it was not the Chiefs of Police's intent to see APSC be completely dependent upon the surcharge for funding. That funding source was to be and is being used for training our Police Officers. The bottom line for me is: I am dependent on APSC for training. APSC has been very responsive and supportive. The current APSC FY 98 funding cuts are a major concern and the effect it will have on the training demands now and future needs.

Thank you for proposing the new surcharge. You have my support.

Respectfully yours,

Milton J. Haken
Chief of Police
NA 181st Session

cc: Chief Tom Walker, President AACOP
Representative Richard Foster
Mike Yanez, City Manager

NORTH SLOPE BOROUGH

POLICE DEPARTMENT

P.O.Box 470
Barrow, Alaska 99723
Phone: 907-852-0311
Fax: 907-852-0318



State of Alaska
Representative Reggie Joule
Alaska State Legislature
State Capitol Building
Mail Stop 3100
Juneau, AK 99801-1182

RE: House Bill 261

Dear Representative Joule,

I am asking for your support of new legislation proposed by Rep. Gary Davis that would add a surcharge to those convicted of a felony, misdemeanor or infraction. Several years ago a surcharge of traffic violations was passed into law by the Legislature. This money was slated to be used strictly for the training of law enforcement/corrections officers throughout the State and to be administered by the Alaska Police Standards Council.

Funding for the APSC has been cut so that the "traffic surcharge" money is now almost totally finding APSC operations. This was never the intent by the Chiefs and cuts into the purpose for which the "surcharge" money was intended, which is training. Adequate training for law enforcement and corrections personnel is essential for this State, particularly because so many officers are in remote locations and must rely upon their own abilities without technical assistance.

I ask you to support this new legislation. As a gubernatorial appointment to the Alaska Police Standards Council I can assure you that additional funding for the training of law enforcement and corrections officers is needed. If you should have any questions about the manner in which the APSC uses the training funds or conducts business, please call on me.

Sincerely,

G. Scott Campbell
Chief of Police

cc: Laddie Shaw, Executive Director, APSC



City and Borough of Sitka

POLICE DEPARTMENT

304 Lake Street, Room 102 • Sitka, Alaska 99835

Lynn F. Lamm
Chief of Police

Business 747-3245
Fax 747-1075

February 10, 1998

Representative Ben Grussendorf
House of Representatives
State Capitol, Room 415
Juneau, AK 99801-1182

Dear Representative Grussendorf:

I am personally asking that you support Legislation that has been introduced by Representative Gary Davis - Kenai, that will place a surcharge on all violations of State or Municipal Law. Law Enforcement at the State level has been gutted in Alaska. Training of course is always the first to receive the Axe. House Bill 261 will provide the necessary funds to perhaps fulfill the training obligations for what few Law Enforcement personnel this State has left. I have been dismayed at the consistent lack of support by our Legislature for funding both Public Safety and Corrections. We had best address the situation soon for Alaska is becoming known for an apathetic approach to Public Safety. Your support on this bill as well as your support for increased Public Safety funding will be recognized & appreciated by those Officers who stand in harms way so that citizens can feel they not only live in a great State, but a safe State.

Respectfully,

Lynn F. Lamm
Chief of Police



SOLDOTNA POLICE DEPARTMENT

44510 Sterling Highway
Soldotna, Alaska 99669



Shirley A. Warner
CHIEF OF POLICE

Tel: (907) 262-4455
Fax: (907) 262-4421

February 17, 1998

Representative Gary Davis
Alaska State Legislature
145 Main St. Loop, Suite 123
Kenai, Alaska 99611

Dear Representative Davis,

Thank you very much for coming to speak to us at the Alaska Police Standards Council meeting in December regarding House Bill No. 261. I understand a surcharge imposed for violations of state or municipal law would be applied to a training fund. I really appreciate your sponsorship of this bill and offer support for its passage.

Providing training for police officers has been a challenge for me for several years. As a commander for the Anchorage Police Department for 9 years, I was consistently looking for creative ways to finance needed training. Now as the Police Chief for the Soldotna Police Department I am finding it even more challenging, with a relatively smaller budget with which to work.

With the new laws regarding the handling of family violence, stricter policies regarding police actions such as pursuits and use of force, as well as higher technology available to law enforcement officers (as well as the criminal element) it is becoming more and more difficult to maintain the training level officers are required in order to perform their jobs. This surcharge will equitably lend itself, Statewide, to this needed training. Thank you.

Sincerely,

Shirley A. Warner
Chief of Police



UNIVERSITY OF ALASKA ANCHORAGE

3211 Providence Drive
Anchorage, Alaska 99508-8310

UNIVERSITY POLICE DEPARTMENT
(907) 786-1120
FAX: (907) 786-6111

February 10, 1998

State of Alaska
Senator Randy Phillips
Alaska State Legislature
State Capitol Building
Juneau, AK 99801-1182



Dear Senator Phillips:

I have just learned that the legislature is once again cutting the funding for the Alaska Police Standards Council. In essence the APSC, after this session, would receive no funding from the State. APSC, without adequate funding, would be incapable of meeting its mission of providing training to the entire law enforcement community throughout the state.

As a chief I am quite concerned as to how they will meet this training mandate without sufficient revenue. In FY96 the legislature cut APSC funding by 50% but did create a traffic offense surcharge to offset this cut.

With further cuts to APSC I am seeking your support of HB 261 as proposed by Representative Gary Davis. This bill would add a surcharge to felonies, misdemeanors and infractions, the proceeds to go to the Alaska Police Standards Council.

Through the years I have been very pleased with the support of the APSC. It is a very professional organization that is quite receptive to our needs. The lack of any state funding greatly concerns me, but this combination of surcharges hopefully will provide them with the financial support necessary.

Sincerely,

A handwritten signature in cursive script that reads "Robert E. Bachand".

Robert E. Bachand
Chief of Police

cc: Laddie Shaw, Executive Director, APSC
Tom Walker, President, AACOP

Safety is Everybody's Business

A DIVISION OF THE UNIVERSITY OF ALASKA STATEWIDE SYSTEM OF HIGHER EDUCATION

DEPARTMENT OF PUBLIC SAFETY
POLICE - FIRE - EMS - COMMUNICATIONS - CORRECTIONS
P.O. BOX 370
UNALASKA, ALASKA 99685
(907) 581-1233
FAX (907) 581-5024



February 6, 1998

Representative Gary Davis
Alaska State Legislature
State Capitol Building
Room 420
Juneau, AK 99801-1182

Dear Representative Davis:

I would like to offer my support for your proposed legislation, House Bill No. 261, which would add a surcharge to felony, misdemeanor and infraction violations. The recently adopted surcharge for traffic citations is a great start, but does not provide an opportunity for rural communities with limited or no road systems to make a meaningful contribution. The newly proposed legislation will provide that opportunity and will generate the much needed training funds for Alaskan law enforcement.

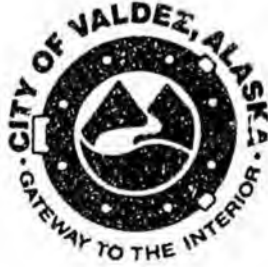
Additionally, may I suggest an amendment for your consideration which would provide for the funds collected to go directly from the State court system to the Alaska Police Standards Council. The current system requires municipalities to receipt funds collected from the State, then transfer them back to the State. This redundancy detracts from the effectiveness of this worthy effort.

Please be assured of my support for your efforts in this proposed legislation.

Sincerely,

Glenn H. Herbst
Director of Public Safety

cc: Mr. Gene Greene, Acting Unalaska City Manager
Representative Carl Moses
Senator Lyman Hoffman
Mr. Laddie Shaw, Director APSC



POLICE DEPARTMENT
February 6, 1998

Representative Gary Davis
Alaska State Legislature
State Capital (MS 3100)
Juneau, AK 99801-1182

Dear Representative Davis:

I would like to add my support to your proposed new legislation that would add a surcharge to Felonies, Misdemeanors and Infractions.

As you know funding for APSC has been cut by 50% for FY 96 and all remaining funding cut for FY 98 except for the traffic surcharge funds. It was never the intention of any of the Chiefs that APSC be completely dependent upon the "Traffic Surcharge" for funding and I am very concerned on how APSC is going to meet the training demands placed on them if the legislature keeps returning to the surcharge training fund each year.

Thank you again for introducing House Bill No. 261. If you have any questions or would like to discuss this issue please feel free to call me at (907)835-4560.

Sincerely,

Joseph K. Michaud
Chief of Police

cc: Laddie Shaw, Executive Director, APSC



WASILLA POLICE DEPARTMENT

250 N. KNIK STREET
WASILLA, ALASKA 99654-7014
(907) 373-9077
Fax: 373-9051



February 3, 1998

Representative Gary Davis
Alaska State Legislator
State Capitol (MS3100)
Juneau, Alaska 99801-1182

RE: HB 261

Dear Representative Davis,

I am very supportive of HB261. I think this type of bill is long overdue. I have spoken with thirty to fifty local residents about this bill and they all like the idea of having the individuals breaking the law paying for police officer's training.

My community is mostly conservative and they see this type of bill as lowering the cost of government.

In Sec. 29.25.070 under "Collection of Penalties", please try to keep the court costs down. I would like to see APSC receive the majority of the funds received from this law.

Sincerely,

A handwritten signature in cursive script that reads "Charlie Fannon".

Charlie Fannon
Chief of Police



BILL ANALYSIS

Department Public Safety	Division Alaska Police Standards Council	Bill Number HB261	Sponsor Representative Gary Davis
Short Title of Bill "An Act relating to a surcharge imposed for violations of state or municipal law and to the Alaska Police Training Fund."			
Department Position Support			
Prepared By Laddie Shaw Executive Director Alaska Police Standards Council		Commissioner's Signature Ronald L. Otte	Date

SUMMARY

Other Agencies Affected by the Bill All municipal and state law enforcement agencies; Village Public Safety Officers; Corrections, probation and parole; Department of Law ; Alaska Court System; Anchorage Police training academy; Department of Public Safety training academy	Constituent Group(s) Affected by Bill All citizens of the state of Alaska
Organizational Support for Bill Supported	Organizational Opposition to Bill
Fiscal Impact <input type="checkbox"/> None	<input checked="" type="checkbox"/> Fiscal Note Attached
Background/Legislative Intent The intent of HB261 is to add a surcharge to fines and penalties assessed as a result of felony judgments, misdemeanors and infractions. It further amends the Alaska Police Training Fund, under AS 18.65, to establish in the general fund appropriations made by the legislature to the fund of the surcharge assessments.	
Analysis of Bill/Program Effects HB 261 establishes an assessment of \$85.00 on all felony's; \$75.00 on violations for driving under the influence and refusal to submit to chemical test; \$45.00 on all misdemeanor's and \$15.00 on all infractions. HB 261 will provide funding to the Alaska Police Standards Council to fulfill their obligation, under AS 18.65.230, by making available criminal justice education and training to all municipal and state law enforcement officers, corrections, probation and parole officers and village public safety officers.	
Amendments Proposed	
PLEASE ATTACH A SEPARATE SHEET FOR ADDITIONAL COMMENTS OR ANALYSIS	

HB 261 SURCHARGE ESTIMATES

FELONY @ \$85

**Disposition
(pled guilty/nolo)**

@ 100% Compliance	\$188,100	@ 2213
@ 70% Compliance	\$131,670	@ 1549
@ 50% Compliance	\$ 94,050	@ 1107*

DUI, REFUSAL TO SUBMIT @ \$75

@ 100% Compliance	\$408,500	@ 5447
@ 70% Compliance	\$286,000	@ 3810
@ 50% Compliance	\$204,260	@ 2724*

MISDEMEANOR @ \$45

@ 100% Compliance	\$904,680	@ 20,104
@ 70% Compliance	\$633,280	@ 14,073
@ 50% Compliance	\$452,340	@ 10,050*

INFRACTION @ \$15

@ 100% Compliance	\$1,140,000	@ 76,000
@ 70% Compliance	\$ 798,000	@ 53,000
@ 50% Compliance	\$ 570,000	@ 38,000*

TOTAL ESTIMATES FROM HB 261 SURCHARGE COLLECTIONS

@ 100% Compliance	\$2,641,180.00
@ 70% Compliance	\$1,848,950.00
@ 50% Compliance	\$1,290,650.00

* FOR BUDGET PURPOSES

REVENUE ESTIMATES (FY00)

With HB261 (New Program Receipts) Total	1,300.0
Without HB261 (Existing Program Receipts) Estimate	<u><450.0></u>
New Program Receipt Revenue Generated By HB261	850.0

FY 99 1st Year Start Up Estimate 425.0

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>425.0</u>
Total Surcharge Receipts Available (FY99)	478.9
Additional Surcharge Receipts (Full Program FY00)	<u>425.0</u>
Total Surcharge Receipts Available (FY00)	903.9

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>1029.3</u>
Basic Police Recruit Training (30 Officers @ \$5700 FY99)	171.0	
Basic Police Recruit Training (60 officers @ \$5700 FY00)		342.0
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	623.2
Communications, maintenance advertising, printing, etc.	<u>15.3</u>	<u>15.3</u>
Total (Operating Budget)	<u>524.3</u>	<u>1,300.0</u>

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.

The surcharge estimates for APSC budgeting purposes are based on a 50% collection rate. If the estimate was based at 100%, the total surcharge collection would be \$2.6 million vs. the \$1.3 million estimated at 50% compliance. We have found after collecting surcharges for one full fiscal year that the compliance rate is approximately 50% on the total number of offenses cited. Considering administrative start up time and collections from HB261 for FY-99, the estimate for revenue collections will be \$425,000.



DILLINGHAM POLICE DEPARTMENT & CORRECTIONAL CENTER

404 D Street
P.O. Box 889
Dillingham, Alaska 99576

24 hrs (907) 842-5354
(907) 842-5172
Fax (907) 842-5785

January 28, 1998

Representative Gary L. Davis
Alaska State Legislature
State Capital (MS 3100)
Juneau, Alaska 99801-1182

RE: House Bill # 261 Surcharge on Criminal Cases

Dear Representative Davis,

I want to inform you of my support for HB# 261, this bill if passed will help all law enforcement in Alaska and the funding that will be seen from the surcharges is badly needed.

The Alaska Police Standards Council has used the traffic fine surcharge in a very responsible manner and has funded the training on the southwest coast for all law enforcement, State, Local and City along with VPSO, corrections and probation.

I support this bill, law enforcement in Alaska needs the money, APSC is the perfect state agency to manage the fundings usage, please support this very important bill.

Sincerely,

A handwritten signature in black ink, appearing to read "Brent C. Moody". The signature is written in a cursive style with a large, looping "M" at the end.

Brent C. Moody
Chief of Police

Alaska State Legislature

Interim:

145 Main Street Loop #223
Kenai, Alaska 99611
(907) 283-7095
(907) 283-3075 (fax)
(907) 262-7574 (h)

Session:

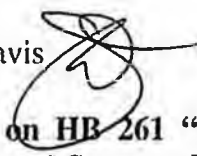
State Capitol
Juneau, Alaska 99801
(907) 465-2693
(fax) (907) 465-3835

Representative Gary L. Davis

MEMORANDUM

DATE: January 22, 1998

TO: Representative Joe Green, Chair
House Judiciary Committee

FROM: Representative Gary Davis 

RE: **Request for Hearing on HB 261 "An Act Relating to a Surcharge Imposed for Violations of State or Municipal Law and to the Alaska Police Training Fund"**

This is to request that a hearing be scheduled on House Bill 261 "An Act Relating to a Surcharge Imposed for Violations of State or Municipal Law and to the Alaska Police Training Fund." Attached are the following items for inclusion in the committee files.

- Sponsor Statement;
- Sectional Analysis; and
- current Alaska Statutes that will be modified by HB 261

We will be forwarding additional information regarding the effects of this bill.

Thank you for considering this request. Please contact Deb Davidson of my staff if you have any questions or would like additional information or assistance.

GLD/dld

Attachments

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

Alaska State Legislature

Interim:

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Kenai, Alaska 99611

(907) 283-7095

(907) 283-3075 (fax)

(907) 262-7574 (h)

Session:

State Capitol

Juneau, Alaska 99801

(907) 465-2693

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Representative Gary L. 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

Soldotna, Sterling, Funny River, Cooper Landing, Hope, Moose Pass, Seward

Alaska State Legislature

Interim:

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Kenai, Alaska 99611
(907) 283-7095
(907) 283-3075 (fax)
(907) 262-7574 (h)

Session:

State Capitol
Juneau, Alaska 99801
(907) 465-2693
(fax) (907) 465-3835

Representative Gary L. Davis

SECTIONAL ANALYSIS FOR HOUSE BILL 261

“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: 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 4: Amends **AS 18.65.226, 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 5: Amends **AS 28.05.151, 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 6: 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

Soldotna, Sterling, Funny River, Cooper Landing, Hope, Moose Pass, Seward

Section 7: 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 8: Amends **AS 29.25.075, Collection of Penalties**, to allow courts to collect the surcharge for the municipality.

Sec. 12.25.180. When peace officer may issue citation or take person before the court. (a) When a person is stopped or contacted by a peace officer for the commission of a misdemeanor or the violation of a municipal ordinance, the person may, in the discretion of the contacting peace officer, be issued a citation instead of being taken before a judge or magistrate under AS 12.25.150, unless

- (1) the person does not furnish satisfactory evidence of identity;
- (2) the contacting officer has reasonable and probable cause to believe the person is a danger to self or others;
- (3) the crime for which the person is contacted is one involving violence or harm to another person or to property;
- (4) the person asks to be taken before a judge or magistrate under AS 12.25.150; or
- (5) the peace officer has probable cause to believe the person committed a crime involving domestic violence; in this paragraph, "crime involving domestic violence" has the meaning given in AS 18.66.990.

(b) When a person is stopped or contacted by a peace officer for the commission of an infraction or a violation, the person shall be issued a citation instead of being taken before a judge or magistrate under AS 12.25.150, unless

- (1) the person does not furnish satisfactory evidence of identity; or
- (2) the person refuses to accept the citation or to give a written promise to appear as provided for under AS 12.25.190(c). (§ 1 ch 31 SLA 1973; am § 19 ch 127 SLA 1974; am § 3 ch 144 SLA 1977; am § 34 ch 102 SLA 1980; am § 9 ch 64 SLA 1996)

Effect of amendments. — The 1996 amendment, effective July 1, 1996, in subsection (a), added paragraph (5) and made related stylistic changes.

Legislative history reports. — For report on ch. 31, SLA 1973 (SB 25), see 1973 Senate Journal Supplement No. 7, p. 2.

NOTES TO DECISIONS

Subsection (a) does not require a citation to be issued. — Subsection (a) authorizes a police officer to issue a citation to a misdemeanor offender in lieu of making an arrest, unless one of the four enumerated exceptions applies. But the statute does not require a

police officer to follow this course. *Jurco v. State*, 825 P.2d 909 (Alaska Ct. App. 1992).

Applied in *Ahmaogak v. State*, 595 P.2d 985 (Alaska 1979).

Sec. 12.25.190. When person to be given five-day notice to appear in court. (a) When a person is contacted by a peace officer and the peace officer exercises the option provided for in AS 12.25.180, the officer shall prepare a written citation and issue it to the person.

(b) The time specified in the notice to appear shall be at least five days after the alleged violation or the issuance of the citation, whichever is later, unless the person cited requests an earlier hearing.

(c) The person cited for the crime shall give a written promise to appear in court by signing at least one copy of the written citation prepared by the peace officer and the officer shall deliver a copy of the citation to the person. The written promise requirement of this subsection does not apply to motor vehicle and traffic citations for which a bail or fine schedule has been established under AS 28.05.151, fish and game citations for which a bail schedule has been established under AS 16.05.165, citations issued under AS 04.21.065, citations issued under AS 18.35.341, citations issued in state park and recreational facilities under AS 41.21.960, or littering citations issued under AS 46.06.080. (§ 1 ch 31 SLA 1973; am § 20 ch 127 SLA 1974; am § 4 ch 144 SLA 1977; am § 20 ch 178 SLA 1978; am § 12 ch 34 SLA 1984; am § 1 ch 102 SLA 1984; am § 1 ch 132 SLA 1984; am § 1 ch 37 SLA 1987; am § 1 ch 76 SLA 1987; am § 3 ch 81 SLA 1989)

NOTES TO DECISIONS

Applied in *Ahmaogak v. State*, 595 P.2d 985 (Alaska 1979).

→ **Sec. 12.25.195. Disposition of scheduled offenses.** (a) A person cited for an offense for which a scheduled amount of bail or a fine has been established may mail or personally deliver to the clerk of the court with appropriate jurisdiction if aailable offense, or to the clerk of the municipality that issued the citation if a scheduled municipal fine, the amount of the bail or fine indicated on the citation for the offense together with a copy of the citation signed by the person indicating the person's waiver of court appearance, entry of plea of no contest, and forfeiture of bail or fine. A motor vehicle or traffic citation may be mailed or personally delivered within five days of the date of the citation. A citation for a scheduled offense other than a motor vehicle or traffic citation may be mailed or personally delivered within 15 days of the date of the citation.

(b) When bail or a fine is forfeited under this section, a judgment of conviction shall be entered. The bail or fine paid is complete satisfaction for the offense. (§ 2 ch 76 SLA 1987)

Sec. 12.25.200. Form for citations. (a) The chief administrative officer of each law enforcement agency in the state is responsible for the issuance of books containing appropriate citations, and shall maintain a record of each book and each citation contained in it and shall require and retain a receipt for every book issued to a peace officer.

- (b) A citation issued under AS 12.25.180 must indicate
- (1) the amount of bail or fine applicable to the offense;
 - (2) the procedure a person must follow in responding to the citation;
 - (3) that if the person fails to pay the bail or fine the person must appear in court;
 - (4) that failure to pay the bail or fine or appear in court for an offense involving a moving motor vehicle may result in
 - (A) suspension of the person's driver's license, privilege to drive, or privilege to obtain a license; or
 - (B) attachment of the person's permanent fund dividend to pay the fine plus court and collection costs under AS 28.05.155; and
 - (5) that the person has a right to
 - (A) a trial;
 - (B) engage counsel;
 - (C) confront and question witnesses;
 - (D) testify; and
 - (E) subpoena witnesses on the person's behalf. (§ 1 ch 31 SLA 1973; am § 3 ch 76 SLA 1987; am § 2 ch 47 SLA 1996)

Effect of amendments. — The 1996 amendment, effective August 27, 1996, rewrote subsection (b).

Sec. 12.25.210. Disposition and records of citations. (a) A peace officer, upon issuing a citation to an alleged violator under AS 12.25.180, shall deposit the original or a copy of the citation with a court having jurisdiction over the alleged offense. If the citation charges an offense under a municipal ordinance for which a scheduled fine has been established, the peace officer shall deposit the original or a copy of the citation with the clerk of the municipality that issued the citation, unless otherwise provided under rule adopted by the supreme court.

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

Postponed repeal of subsection (f). — Section 7, ch. 79, SLA 1994 repeals (f) of this section, effective February 2, 2004.

Cross references. — For effect of enactment of this section on Alaska Rule of Criminal Procedure 32, see § 6, ch. 79, SLA 1994 in the Temporary and Special Acts.

Effect of amendments. — The 1995 amendment, effective August 8, 1995, in the first sentence of the

introductory language of subsection (f), substituted "prepare a report every two years" for "report every two years to the legislature" and added the second sentence.

Legislative history reports. — For House letter of intent relating to CSHB 119(JUD) am, from which ch. 79, SLA 1994, which enacted this section derived, see 1993 House Journal 1413.

→ **Sec. 12.55.039. Surcharge.** (a) In addition to any fine or other penalty prescribed by law, a defendant who pleads guilty or nolo contendere to, forfeits bail for, or is convicted of a violation of a vehicle or traffic offense under AS 29, a regulation adopted under AS 28, or a municipal ordinance under AS 28.01.010 shall be assessed a surcharge of

(1) \$10 if the violation is for other than a violation of AS 28.15.291, AS 28.33.030, 28.33.031, AS 28.25.030, 28.35.032, 28.35.040, 28.35.060, or a comparable municipal ordinance; or

(2) \$25 if the violation is a violation of AS 28.15.291, AS 28.33.030, 28.33.031, AS 28.35.030, 28.35.032, 28.35.040, 28.35.060, or a comparable municipal ordinance.

(b) A court may not fail to impose the surcharge required under this section. The surcharge may not be waived, deferred, or suspended. A court may allow a defendant who is unable to pay the surcharge required to be imposed under this section to perform community work under AS 12.55.055(c) in lieu of the surcharge.

(c) The surcharge shall be paid within 10 days of imposition or such shorter period of time as ordered by the court. Failure to pay the surcharge is punishable as contempt of court. Proceedings to collect the surcharge may be instituted by the state, the municipality, or by the court on its own motion.

(d) Money collected under this section shall be deposited into the general fund and accounted for under AS 37.05.142. (§ 2 ch 119 SLA 1994)

Cross references. — For legislative findings and purpose in connection with the enactment of this section, see § 1, ch. 119, SLA 1994 in the Temporary and Special Acts.

Effective dates. — Section 7, ch. 119, SLA 1994

makes this section effective January 1, 1996.

Editor's notes. — Section 8, ch. 119, SLA 1994 provides that the surcharge under this section "applies only to offenses and violations occurring after December 31, 1995."

Sec. 12.55.040. Increased punishment for habitual criminal after conviction of petty larceny or misdemeanor involving fraud. [Repealed, § 21 ch 166 SLA 1978.]

Sec. 12.55.045. Restitution. (a) The court may order a defendant convicted of an offense to make restitution as provided in this section, including restitution to the victim or other person injured by the offense, to a public, private, or private nonprofit organization that has provided or is or will be providing counseling, medical, or shelter services to the victim or other person injured by the offense, or as otherwise authorized by law. In determining the amount and method of payment of restitution, the court shall take into account the

(1) public policy that favors requiring criminals to compensate for damages and injury to their victims; and

(2) financial burden placed on the victim and those who provide services to the victim and other persons injured by the offense as a result of the criminal conduct of the defendant.

(b) An order of restitution under this section does not limit any civil liability of the defendant arising from the defendant's conduct.

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

(d) In any case, including a case in which the defendant is convicted of a violation of AS 11.46.120 — 11.46.150 and the property is commercial fishing gear as defined in AS

Sec. 18.65.200. Meetings. The council shall meet at least twice a year. The chairman shall set the time and place of the meeting, either on the chairman's own motion or on written request by any three members of the council. (§ 1 ch 178 SLA 1972)

Sec. 18.65.210. Reports. [Repealed. § 12 ch 19 SLA 1981.]

Sec. 18.65.220. Powers. The council has the power to

- (1) adopt regulations for the administration of AS 18.65.130 — 18.65.290;
- (2) establish minimum standards for employment as a police officer, probation or parole officer, and correctional officer in a permanent or probationary position and certify persons to be qualified as police officers, probation or parole officers, and correctional officers under AS 18.65.130 — 18.65.290;
- (3) establish minimum criminal justice curriculum requirements for basic, specialized, and in-service courses and programs for schools operated by or for the state or a political subdivision of the state for the specific purpose of training police recruits, police officers, probation and parole officers, and correctional officers;
- (4) consult and cooperate with municipalities, agencies of the state, other governmental agencies, universities, colleges, and other institutions concerning the development of police, probation and parole officer, and correctional officer training schools and programs of criminal justice instruction;
- (5) employ an administrator and other persons necessary to carry out its duties under AS 18.65.130 — 18.65.290;
- (6) investigate when there is reason to believe that a police officer, probation or parole officer, or correctional officer does not meet the minimum standards for employment; in connection with the investigation the council may subpoena persons, books, records, or documents related to the investigation and require answers in writing under oath to questions asked by the council or the administrator;
- (7) charge and collect a fee of \$50 for processing applications for certification of police, probation, parole, and correctional officers. (§ 1 ch 178 SLA 1972; am § 4 ch 19 SLA 1981; am § 1 ch 1 SLA 1984; am § 4 ch 112 SLA 1988; am § 50 ch 63 SLA 1993)

Effect of amendments. — The 1993 amendment, effective July 1, 1993, added paragraph (7).
Editor's notes. — Section 87, ch. 63, SLA 1993 provides "[i]f any section of this bill is found to violate the single subject rule it is severed from the rest of the bill."

Sec. 18.65.225. Alaska police training fund. The Alaska police training fund is created in the general fund. The fund consists of appropriations made by the legislature to the fund. The legislature may appropriate to the fund the annual estimated balance in the accounts maintained under AS 37.05.142 for money collected under AS 12.55.039 and AS 28.05.151. The legislature may appropriate equal amounts from the fund to the (1) Department of Public Safety for the Public Safety Training Academy, including Village Public Safety Officers, and (2) Alaska Police Standards Council to provide training for the law enforcement and corrections community of the state under AS 18.65.230. Nothing in this section creates a dedicated fund. (§ 4 ch 119 SLA 1994)

Cross references. — For legislative findings and purpose in connection with the enactment of this section, see § 1, ch. 119, SLA 1994 in the Temporary and Special Acts.
Effective dates. — Section 7, ch. 119, SLA 1994 makes this section effective January 1, 1996.

Sec. 18.65.230. Training programs. The council shall establish and maintain police training programs, probation and parole officer training programs, and correctional training programs through those agencies and institutions that the council considers appropriate. (§ 1 ch 178 SLA 1972; am § 5 ch 112 SLA 1988)

review of the hearing officer's decision. The judicial review shall be on the record. The court may reverse the department's determination if the court finds that the department misinterpreted the law, acted in an arbitrary and capricious manner, or made a determination unsupported by the evidence in the record. The decision of the department suspending, revoking, canceling, limiting, restricting, or denying a license, registration, title, permit, or privilege is stayed and does not take effect during the pendency of an appeal. (§ 6 ch 178 SLA 1978; am § 2 ch 60 SLA 1986; am § 1 ch 158 SLA 1990; am § 2 ch 6 FSSLA 1996)

Cross references. — For rules of court relating to appeals from administrative proceedings, see App. Rules 601-611.

Effect of amendments. — The 1990 amendment rewrote subsection (d).

The 1996 amendment, effective July 4, 1996, in subsection (b), rewrote the first sentence and inserted "attend or" in two places in the last sentence.

NOTES TO DECISIONS

This section does not apply to a revocation of a license under AS 28.35.032, relating to refusal to submit to a chemical test. *Graham v. State*, 633 P.2d 211 (Alaska 1981).

This section is inapplicable to license revocations for refusal to submit to a breathalyzer test. *Borrego v. State*, 816 P.2d 360 (Alaska 1991).

Article 4. Disposition of Certain Vehicle and Traffic Offenses.

Section

151. Citations for scheduled vehicle and traffic offenses

155. Court and collection costs

Sec. 28.05.151. Citations for scheduled vehicle and traffic offenses. (a) The supreme court shall determine by rule or order those motor vehicle and traffic offenses, except for offenses subject to a scheduled municipal fine, that are amenable to disposition without court appearance and shall establish a scheduled amount of bail, not to exceed fines prescribed by law, for each offense. A municipality shall determine by ordinance the municipal motor vehicle and traffic offenses that may be disposed of without court appearance and shall establish a fine schedule for each offense.

(b) The supreme court shall establish a scheduled amount of bail allowing disposition of a citation for a violation of AS 28.05.095 without court appearance.

(c) The supreme court shall require as a condition of the disposition of an offense without appearance that a person charged with any offense for which a bail forfeiture amount has been adopted shall pay a surcharge of \$10 in addition to the bail forfeiture amount established by the supreme court. The surcharge required to be paid under this subsection shall be deposited into the general fund and accounted for under AS 37.05.142. (§ 6 ch 178 SLA 1978; am § 8 ch 76 SLA 1987; am § 4 ch 98 SLA 1990; am § 5 ch 119 SLA 1994)

Cross references. — For legislative findings and purpose in connection with the enactment of this section, see § 1, ch. 119, SLA 1994 in the Temporary and Special Acts.

Effect of amendments. — The 1990 amendment added subsection (b).

The 1994 amendment, effective January 1, 1996, added subsection (c).

Editor's notes. — Section 6, ch. 119, SLA 1994 provides that the surcharge under this section "applies only to offenses and violations occurring after December 31, 1995."

Sec. 28.05.155. Court and collection costs. If a person's permanent fund dividend is attached to pay the bail or fine for an offense involving a moving motor vehicle, the court shall increase the bail or fine of that person by at least

- (1) \$25 for court costs; and
- (2) \$10 for collection costs. (§ 4 ch 47 SLA 1996)

been entered by the municipal clerk in a properly indexed book maintained for the purposes of organizing and recording the ordinances; or

(2) the ordinance is a provision that establishes a rule of conduct or behavior and that is included, or to be included, in a code of ordinances or other complete system of law enacted and kept current at reasonable intervals.

(d) This section applies to home rule and general law municipalities. (§ 8 ch 74 SLA 1985)

Opinions of attorney general. — To have met the minimum codification requirements of a former, similar provision municipal ordinances should have been topically arranged under a logical and systematic set of chapters and subchapters. There should have been a table of contents, an index, and a system of cross-referencing. The code, to have been useful, must have

had a current supplement which indicated all additions, amendments, and repeals. Periodically the additions and changes noted in the supplement should have been incorporated into the main body of the code. These were minimum requirements. Nothing prevented a municipality from developing a more elaborate and sophisticated code. 1996 Op. Att'y Gen. No. 6.

Sec. 29.25.060. Resolutions. (a) The governing body shall provide for the maintenance of a permanent file of resolutions that have been adopted.

(b) This section applies to home rule and general law municipalities. (§ 8 ch 74 SLA 1985)

NOTES TO DECISIONS

Cited in *Lazy Mt. Land Club v. Matanuska-Susitna Borough Bd. of Adjustment & Appeals*, 904 P.2d 373 (Alaska 1995).

Sec. 29.25.070. Penalties. (a) For the violation of an ordinance, a municipality may by ordinance prescribe a penalty not to exceed a fine of \$1,000 and imprisonment for 90 days. For a violation that cannot result in incarceration or the loss of a valuable license, a municipality may allow disposition of the violation without court appearance and establish a schedule of fine amounts for each offense.

(b) The municipality or an aggrieved person may institute a civil action against a person who violates an ordinance. In addition to injunctive and compensatory relief, a civil penalty not to exceed \$1,000 may be imposed for each violation. An action to enjoin a violation may be brought notwithstanding the availability of any other remedy. On application for injunctive relief and a finding of a violation or a threatened violation, the superior court shall grant the injunction. Each day that a violation of an ordinance continues constitutes a separate violation.

(c) The penalties authorized under this section may be imposed only if copies of the ordinance are made available for distribution to the public at no more than cost.

(d) This section does not apply to an ordinance adopted under AS 04.11.501(c). (§ 8 ch 74 SLA 1985; am § 16 ch 80 SLA 1986; am § 11 ch 76 SLA 1987; am § 65 ch 101 SLA 1995)

Effect of amendments. — The 1995 amendment, effective July 1, 1995, made a section reference substitution in subsection (d).

NOTES TO DECISIONS

Punishment for failure to list taxable property authorized. — A city had the power to enact an ordinance requiring a taxpayer to file a statement under oath listing all personal property at its just and fair value, and a former, similar provision provided the authority to prescribe its punishment, including fine and imprisonment. *City of Anchorage v. Campbell*, 105 F. Supp. 607 (D. Alaska 1952).

An act may be made a penal offense under both state statute and municipal ordinance. *Guidoni v. Wheeler*, 230 F. 93 (9th Cir. 1916), decided under former, similar law.

Ordinance may impose penalties on class of persons. — While an ordinance which made an act done by one penal and imposed upon another no penalty for a like act done under like circumstances

→ **Sec. 29.10.200. Limitation of home rule powers.** Only the following provisions of this title apply to home rule municipalities as prohibitions on acting otherwise than as provided. These provisions supersede existing and prohibit future home rule enactments that provide otherwise:

- (1) AS 29.05.140 (transition);
- (2) AS 29.06.010 (change of municipal name);
- (3) AS 29.06.040 — 29.06.060 (annexation and detachment);
- (4) AS 29.06.090 — 29.06.170 (merger and consolidation);
- (5) AS 29.06.190 — 29.06.420 (unification of municipalities);
- (6) AS 29.06.450 — 29.06.530 (dissolution);
- (7) AS 29.10.100 (charter amendment);
- (8) AS 29.20.010 (conflict of interest);
- (9) AS 29.20.020 (meetings public);
- (10) AS 29.20.050 (legislative power);
- (11) AS 29.20.060 — 29.20.120 (assembly composition and apportionment);
- (12) AS 29.20.140 (qualifications of members of governing bodies);
- (13) AS 29.20.150 (term of office);
- (14) AS 29.20.220 (executive power);
- (15) AS 29.20.270(e) (ordinance veto by mayor);
- (16) AS 29.20.630 (prohibited discrimination);
- (17) AS 29.20.640 (reports);
- (18) AS 29.25.010(a)(10) (municipal exemption on contractor bond requirements);
- (19) AS 29.25.050 (codification);
- (20) AS 29.25.060 (resolutions);
- (21) AS 29.26.030 (notice of elections);
- (22) AS 29.26.050 (voter qualification);
- (23) AS 29.26.250 — 29.26.360 (recall);
- (24) AS 29.35.020 (extraterritorial jurisdiction);
- (25) AS 29.35.030 (eminent domain);
- (26) AS 29.35.050 (garbage and solid waste services);
- (27) AS 29.35.055 (local air quality control program);
- (28) AS 29.35.060 (franchises and permits);
- (29) AS 29.35.070 (public utilities);
- (30) AS 29.35.080 (alcoholic beverages);
- (31) AS 29.35.120 (post audit);
- (32) AS 29.35.131 (enhanced 911 system);
- (33) AS 29.35.145 (regulation of firearms);
- (34) AS 29.35.160 (education);
- (35) AS 29.35.170(b) (assessment and collection of taxes);
- (36) AS 29.35.180(b) (land use regulation);
- (37) AS 29.35.250 (cities inside boroughs);
- (38) AS 29.35.260 (cities outside boroughs);
- (39) AS 29.35.340 (acquisition of areawide power);
- (40) AS 29.35.500 — 29.35.590 (hazardous materials and wastes);
- (41) AS 29.40.160(a) — (c) (title to vacated areas);
- (42) AS 29.40.200 (subdivisions of state land);
- (43) AS 29.45.010 — 29.45.570 (property taxes);
- (44) AS 29.45.650(c), (d), (e), and (f) (sales and use tax);
- (45) AS 29.45.700(d) (sales and use tax);
- (46) AS 29.47.200(b) (security for bonds);
- (47) AS 29.47.260 (construction);
- (48) AS 29.47.470 (air carriers);
- (49) AS 29.60.050(a) (limitation on computation and use of payment);

(50) AS 29.60.120(a) and (c) (priority revenue sharing for health facilities and hospitals);

(51) AS 29.65 (general grant land);

(52) AS 29.71.040 (procurement preference for state agricultural and fisheries products);

(53) AS 29.71.050 (procurement preference for recycled Alaska products). (§ 6 ch 74 SLA 1985; am §§ 1, 2 ch 38 SLA 1986; am § 6 ch 70 SLA 1986; am § 12 ch 80 SLA 1986; am § 3 ch 108 SLA 1986; am § 49 ch 14 SLA 1987; am § 1 ch 30 SLA 1988; am § 2 ch 63 SLA 1988; am § 1 ch 64 SLA 1988; am § 3 ch 57 SLA 1993; am § 5 ch 74 SLA 1993; am § 1 ch 29 SLA 1994; am § 1 ch 75 SLA 1997)

Effect of amendments. — The 1997 amendment, effective July 1, 1997, substituted "priority revenue sharing" for "state aid" in paragraph (50).

Chapter 20. Municipal Officers and Employees.

Article

7. Miscellaneous Provisions (§ 29.20.640)

Article 7. Miscellaneous Provisions.

Section

640. Reports

Sec. 29.20.640. Reports. (a) A municipality shall file with the department

- (1) maps and descriptions of all annexed or detached territory;
- (2) a copy of the annual audit, or, for a second class city, an audit or statement of annual income and expenditures;
- (3) tax assessment and tax levy figures as requested;
- (4) a copy of the current annual budget of the municipality;
- (5) a summary of the optional property tax exemptions authorized together with the estimate of the revenues lost to the municipality by operation of each of the exemptions.

(b) Compliance with the provisions of this section is a prerequisite to receipt of municipal tax resource equalization assistance under AS 29.60.010 — 29.60.080 and priority revenue sharing for municipal services under AS 29.60.100 — 29.60.180. If a municipality does not comply with this section, the department shall withhold the allocations until the required reports are filed.

(c) This section applies to home rule and general law municipalities. (§ 7 ch 74 SLA 1985; am § 2 ch 75 SLA 1997)

Effect of amendments. — The 1997 amendment, effective July 1, 1997, in subsection (b), substituted "state aid for miscellaneous municipal services" in the first sentence. "priority revenue sharing for municipal services" for

Chapter 35. Municipal Powers and Duties.

Article

1. General Powers (§ 29.35.085)

8. Hazardous Chemicals, Materials, and Wastes (§§ 29.35.500 — 29.35.590)

Article 1. General Powers.

Section

85. Curfew

could not receive judicial sanction for the reason that it was unjust and unreasonable, the same could not be said of discrimination by municipal authority against a whole class of persons who were lawfully regarded

as proper subjects for police regulation, such as persons without occupation or visible means of support. *Guidoni v. Wheeler*, 230 F. 93 (9th Cir. 1916), decided under former, similar law.



Sec. 29.25.075. Collection of penalties. The court may collect for a municipality any monetary penalty or item to be forfeited as a result of the violation of an ordinance. The supreme court may prescribe by rule the fees to be charged by all courts to municipalities for providing collection services under this section. (§ 47 ch 36 SLA 1990)

Chapter 26. Elections.

Article

1. Regular and Special Elections (§§ 29.26.010 — 29.26.070)
2. Initiative and Referendum (§§ 29.26.100 — 29.26.190)
3. Recall (§§ 29.26.240 — 29.26.360)

Article 1. Regular and Special Elections.

Section

10. Administration
20. Nominations
30. Notice of elections
40. Date of regular election

Section

50. Voter qualification
60. Runoff elections
70. Election contest and appeal

Collateral references. — 56 Am. Jur. 2d, Municipal Corporations, Counties, and Other Political Subdivisions, §§ 147-150.

62 C.J.S., Municipal Corporations, § 390.

Sec. 29.26.010. Administration. The governing body shall prescribe the rules for conducting an election and shall appoint an election board composed of at least three judges for each precinct. A judge shall be a voter of the precinct for which appointed unless no voter is willing to serve. (§ 9 ch 74 SLA 1985)

Collateral references. — 25 Am. Jur. 2d, Elections, § 1 et seq.
29 C.J.S., Elections, § 1 et seq.

Sec. 29.26.020. Nominations. (a) Subject to other provisions of this title, the governing body shall provide by ordinance for nominations of elected officials by providing for declaration of candidacy or for petition requiring the signatures of not more than 10 voters, or for both.

(b) A person may be nominated for and occupy more than one office, but may not serve simultaneously as borough mayor and as a member of the assembly or, in a first class city, as city mayor and as a member of the council. (§ 9 ch 74 SLA 1985)

Sec. 29.26.030. Notice of elections. (a) Subject to other provisions of this title, a municipality shall give at least 20 days notice of an election.

(b) This section applies to home rule and general law municipalities. (§ 9 ch 74 SLA 1985)

Sec. 29.26.040. Date of regular election. The date of a regular election is the first Tuesday of October annually, unless a different date or interval of years is provided by ordinance. (§ 9 ch 74 SLA 1985)

Sec. 29.26.050. Voter qualification. (a) A person may vote in a municipal election only if the person