

HB

261

Alaska State Legislature

Interim:

145 Main St. Lp., 223
Kenai, Alaska 99611
907/283-7095
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

SPONSOR STATEMENT

COMMITTEE SUBSTITUTE FOR HOUSE BILL 261 (FIN) am

“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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SECTIONAL ANALYSIS COMMITTEE SUBSTITUTE TO HOUSE BILL 261 (FIN) am

"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 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 7: Amends **AS 29.10.200, Limitation of Home Rule Powers**, to include AS 29.25.072 (surcharge) in the list of limitations.

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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.

Section 10: Allows the Court System to deposit funds collected in the general fund and provide an estimate of the money under this program for each fiscal year collected instead of an exact accounting.

Section 11: Repeals Section 10 on June 30, 2002, or when the Court system's computer system is capable of separately tracking and accounting for the surcharges collected, whichever comes first.

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Letters Supporting House Bill 261 received from:

Anchorage Assemblyman Bob Bell (2/19/98)
Alaska Association Chiefs of Police (2/6/98)
Alaska Peace Officers Association (2/11/98)
Chief Duane S. Udland, Anchorage Police Department (1/29/98)
Lt. Mcchan 2/4/98 letter to Chief Udland
Chief Brent C. Moody, Dillingham Police Department (1/28/98)
Chief Dennis Oakland, Homer Police Department (2/19/98)
Chief Robert L. Beasley, Hoonah Police Department (2/6/98)
Chief Daniel L. Morris, Kenai Police Department (2/6/98)
Chief John W. Palmer, Kodiak Police Department (2/12/98)
Chief Milton J. Haken, Nome Police Department (2/6/98)
Chief G. Scott Campbell, North Slope Borough Police Department (2/10/98)
Chief Lynn F. Lamm, Sitka Police Department (2/10/98)
Chief Shirley A. Warner, Soldotna Police Department (2/17/98)
Chief Robert E. Bachand, University of Alaska, Anchorage Police Department (2/10/98)
Glenn H. Herbst, Director of Public Safety, Unalaska (2/6/98)
Chief Joseph K. Michaud, Valdez Police Department (2/6/98)
Chief Charlie Fannon, Wasilla Police Department (2/3/98)
John P. Dresnek, Correctional Officer II, Hiland Mtn/Meadow Creek Correctional Centers (2/23/98)

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