

U22 HU INTERIM FILES, BALE PRACTICES

11.15.230	Assault	\$ 100
11.15.230	Assault and Battery	500
11.15.200	Careless Use of Firearms	500
11.55.020	Carrying a Concealed Weapon	250
11.20.275	Concealment of Merchandise	100
11.40.130	Contributing to Delinquency of Child (Misdemeanor)	500
11.20.480	Defrauding a Hotel Keeper	500
11.55.050	Discharge of Firearm in Public Place	500
11.45.030	Disorderly Conduct	150
28.35.010	Driving without Owner's Consent	500
28.15.300	Driving while License Revoked or Suspended	300
28.35.030	OMVI	250
13AAC02.545	Drinking while Driving	100
28.35.210	Defective Equipment	OR
11.30.090-093	Escape from Custody	500
04.15.100	Furnishing Liquor to Minor	250
04.15.100	Fraudulent Statement of Age by Minor	100
11.60.140	Gambling	500
28.35.660	Hit and Run, Minor Damage	250
28.35.060	Hit and Run, Major Damage	250
11.40.080	Indecent Exposure	250
33.30.055	Introducing Intoxicants into Jail	1,000
11.20.230	Larceny by Check - Under \$250	150
11.20.520-620	Malicious Destruction of Property	500
28.35.045	Negligent Driving	100
11.30.210	Obstructing an Officer	250
11.20.140	Petty Larceny	250
11.40.420	Pimping	500
11.55.070	Possession of Firearm while under Influence	500
17.12.110	Possession of Marijuana	100
17.12.110	Possession of Marijuana while Driving	200
17.12.110	Possession of Drugs	250
11.40.240	Prostitution	200
28.35.040	Reckless Driving	150
(Ordinances)	Resisting Arrest	300
11.55.060	Shooting at Building, etc.	250

11.20.010	Arson 1st Degree	\$20,000
11.20.010	Arson 2nd Degree	10,000
11.20.010	Arson 3rd Degree	3,000
11.20.010	Arson 4th Degree	3,000
11.15.190	Assault while Armed	3,000
11.15.220	Assault with a Dangerous Weapon	3,000
11.15.160	Assault with Intent to Kill, Rape or Rob	20,000
11.20.080	Burglary in a Dwelling	3,000
11.20.100	Burglary not in a Dwelling	2,000
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11.20.230	Larceny by Check - Over \$250	300
11.15.134	Lewd and Lascivious Acts Toward a Child	10,000
11.15.010	Murder	20,000
11.20.140	Grand Larceny	500
11.55.040	Possession of Firearm by Convict	1,000
17.12.110	Possession of Drugs for Sale	10,000
11.15.130	Rape	10,000
11.15.240	Robbery	5,000
11.20.610		
11.20.630	Trespassing	100
11.45.050	Turning in False Fire Alarm	500
18.70.080	Unlawful Discharge of Fireworks	OR
	Unauthorized Entry	500
	Minor Consuming (18 years)	OR
	Minor in Possession (18 years)	OR
	Minor on Premises (18 years)	100
	Minor Purchasing (18 years)	100

Sec. 12.30.020. Release before trial. (a) A person charged with an offense shall, at his first appearance before a judicial officer, be ordered released pending trial on his personal recognizance or upon the execution of an unsecured appearance bond in an amount specified by the judicial officer unless the officer determines that the release of the person will not reasonably assure the appearance of the person as required, or will pose a danger to other persons and the community. If the offense with which a person is charged is a felony, on motion of the prosecuting attorney, the judicial officer may allow the prosecuting attorney up to 48 hours to demonstrate that release of the person on his personal recognizance or upon the execution of an unsecured appearance bond will not reasonably assure the appearance of the person, or will pose a danger to other persons and the community.

(b) If a judicial officer determines under (a) of this section that the release of a person will not reasonably assure the appearance of the person, or will pose a danger to other persons and the community, the judicial officer may

(1) place the person in the custody of a designated person or organization agreeing to supervise him;

(2) place restrictions on the travel, association, or place of abode of the person during the period of release;

(3) require the person to return to custody after daylight hours on designated conditions;

(4) require the execution of an appearance bond in a specified amount and the deposit in the registry of the court, in cash or other security, a sum not to exceed 10 per cent of the amount of the bond; the deposit to be returned upon the performance of the condition of release;

(5) require the execution of a bail bond with sufficient solvent sureties or the deposit of cash; or

(6) impose any other condition considered reasonably necessary to assure the defendant's appearance as required and the safety of other persons and the community.

(c) In determining the conditions of release under (b) of this section, the judicial officer shall take into account

(1) the nature and circumstances of the offense charged,

(2) the weight of the evidence against the person,

(3) the person's family ties,

(4) the person's employment,

(5) the person's financial resources,

(6) the person's character and mental condition,

(7) the length of the person's residence in the community,

(8) the person's record of convictions,

(9) the person's record of appearance at court proceedings,

(10) the flight of the accused to avoid prosecution or his failure to appear at court proceedings.

(d) A judicial officer authorizing the release of a person under this section shall issue an order containing a statement of the conditions imposed.

§ 12.30.020

(e) The judicial officer shall inform the person of the penalties which may be imposed for a violation of the conditions of his release and advise him that a warrant for his arrest will be issued immediately upon a violation.

(f) A person who remains in custody 48 hours after his appearance before a judicial officer because of his inability to meet the conditions of release shall, upon application, be entitled to have the conditions reviewed by the judicial officer who imposed them. If the judicial officer who imposed the conditions of release is not available, any other judicial officer in the district may review the conditions. If the conditions are not amended and the person remains in custody, the judicial officer shall set out in writing the reasons for requiring the conditions imposed. (am §§ 1, 2 ch 39 SLA 1974)

(g) A judicial officer who orders the release of a person on a condition specified in (b) of this section may at any time amend his order to impose additional or different conditions of release, or to release the person under (a) of this section.

(h) Information offered or introduced at a hearing before a judicial officer to determine the conditions of release need not conform to the rules governing the admissibility of evidence in a court of law. (§ 1 ch 20 SLA 1966; am §§ 1, 2 ch 112 SLA 1967)

Cross reference.—See Cr. R. 41(a), (b), (c), (e), (f), (g) and (m).

Effect of amendment. — The 1967 amendment added "or will pose a danger to other persons and the community" at the end of section (a), inserted "or will pose a danger to other persons and the community" in the introductory portion of subsection

(b), and added "and the safety of other persons and the community" at the end of paragraph (6) of such subsection.

Legislative committee reports.—For report on ch. 20, SLA 1966, see 1966 House Journal, pp. 110, 111. For report on ch. 112, SLA 1967 (HB 166), see 1967 House Journal, p. 239.

IN THE (SUPERIOR)(DISTRICT) COURT FOR THE STATE OF ALASKA

AT _____

() STATE OF ALASKA)
())
Plaintiff,)
vs.)
Defendant)

CASE NO. _____ CR
ORDER AND CONDITIONS OF RELEASE

IT IS ORDERED that _____, defendant, be released on the condition that he promises to appear at all scheduled hearings as required.

Upon a finding that additional conditions are necessary to assure the defendant's appearance or to protect the community, it is FURTHER ORDERED that the following conditions be imposed:

- 1. UNSECURED BOND. The defendant will execute a bond binding himself to pay the State of Alaska the sum of \$ _____ in the event he fails to appear as required. No security will be required to support the bond.
- 2. 10% DEPOSIT BOND. The defendant will execute a bond binding himself to pay the State of Alaska the sum of \$ _____ and will deposit with the court \$ _____ in cash equaling 10% of the amount of the bond.
- 3. FULL DEPOSIT OR SECURED BOND. The defendant will execute a bond in the sum of \$ _____, secured either by the undertakings of sufficient solvent sureties or by the deposit of an equal amount of cash.
- 4. THIRD PARTY CUSTODY. The defendant is placed in the custody of:

(Name of Person or Organization)

(Address) (Telephone No.)

Who agrees to:

- a) Supervise the defendant in accordance with the conditions checked;
- b) Use every effort to assure the appearance of the defendant at all scheduled hearings;
- c) Notify the Court immediately in the event the defendant violates any condition of his release or disappears.

I accept responsibility for supervision of the defendant.

DATE

CUSTODIAN (Signature)

5. PART-TIME RELEASE. The defendant will be released from _____ (a.m.)(p.m.) to _____ (a.m.)(p.m.) on _____ (days of the week) for the purpose of _____ on the condition that he return to custody at _____ each day. (Place of Imprisonment)

GENERAL CONDITIONS OF RELEASE

- Defendant shall not depart from _____ without the written permission of the court.
- Defendant shall not, during the period of release, consume any intoxicating beverage or enter any establishment where intoxicating liquors are sold.
- Defendant shall stay in his home at _____ between _____ p.m. and _____ a.m.
- Defendant shall not associate with or contact, directly or indirectly, the following persons:

- Defendant shall obey all municipal, state and federal laws and ordinances.
- Defendant shall _____

NEXT APPEARANCE

IT IS FURTHER ORDERED that the defendant shall appear at:

Address: _____

Date and Time: _____

and such other places and times as the court may order or direct.

PENALTIES

If the defendant violates any conditions of his release, a warrant for his arrest will issue immediately. After arrest, the terms and conditions of any further release will be redetermined.

If the defendant fails to appear before any court or judicial officer as required, an additional criminal case may be instituted against him. If the failure to appear is in connection with a felony charge, or while awaiting sentence appeal, or pending appeal after conviction, the penalty is a fine of not more than \$5,000 or imprisonment for not more than five years, or both. If he fails

to appear after being released on a misdemeanor charge, the penalty is a fine of not more than the maximum provided for the misdemeanor charge, or imprisonment for not more than one year, or both.

In addition to the above penalty or instead of the above penalty, the defendant may be charged with Contempt of Court for violation of any of the conditions of his release or violation of any court order.

(SEAL)

DATE

JUDGE/CLERK

ACKNOWLEDGEMENT BY DEFENDANT

I, _____, understand the methods and conditions of my release which have been checked above and the penalties and forfeitures applicable in the event I violate any condition or fail to appear as required.

I agree to comply fully with each of the obligations imposed on my release and to notify the court promptly in the event I change the address written below. I also agree not to leave the State of Alaska without written permission of the court.

I have received a copy of this order.

DEFENDANT (Signature)

RESIDENCE ADDRESS

TELEPHONE NUMBER



Alaska State Legislature

House of Representatives

Committee on Judiciary

Pouch V
State Capitol
Juneau, Alaska 99811

Official Business

To: Charlie Parr, Chairman, and Members of the House
Judiciary Committee

From: Margaret W. Berck, Staff

Date: November 26, 1979

Subject: Bail System

I. INTRODUCTION

The Alaska Constitution, Art. I, Sec. 11, provides that the accused in criminal prosecutions is "entitled to be released on bail, except for capital offenses when the proof is evident or the presumption great...." Thus, except in certain capital cases, adult criminal defendants in Alaska have a constitutional right to bail. Since there are no capital offenses in Alaska at this time, every criminal offense carries the right to bail. This right to pre-trial freedom springs from the presumption of innocence, fundamental to the criminal justice system. The purpose of bail is to assure the defendant's appearance at trial. Excessive bail may not be imposed under both the Alaska, Art. I, Sec. 12, and United States, Eighth Amendment, Constitutions.

II. BAIL SCHEDULES

Each judicial district in the state is required by Supreme Court order to adopt misdemeanor bail schedules. Copies of those misdemeanor

bail schedules, together with the Supreme Court order, are attached to this report. In addition to misdemeanor bail schedules, each judicial district also has traffic bail schedules. Furthermore, two judicial districts, the Second Judicial District and the First Judicial District, have adopted felony bail schedules.

Bail schedules are utilized by jailors in order that accused individuals might be released pending their arraignment. Such releases are granted on a cash deposit basis and the accused individual is entitled to telephone friends or relatives in order to obtain the necessary cash. Unless unusual circumstances exist, such releases are granted by jailors without additional judicial intervention or approval. If unusual circumstances exist involving questions of public safety or protection, scheduled bail amounts do not apply and a judicial officer must be contacted. Furthermore, scheduled bail amounts do not apply and a judicial officer must be contacted at the request of the accused if the accused is immediately unable to post the scheduled amount and circumstances exist indicating that his appearance can be assured by other means. Judicial officers include magistrates as well as District and Superior Court judges.

III. JUDICIAL PROCEEDINGS REGARDING BAIL

A person who is charged with an offense and detained in jail must be brought before the nearest available magistrate or judge without unnecessary delay. Unnecessary delay is defined as a period not to exceed 24 hours after arrest, including Sundays and holidays. Alaska Rules of Court, Criminal Rule 5.

At this first judicial proceeding, the judicial officer shall admit the accused to bail as provided by law. Alaska Statutes, AS 12.30.010,

et. seq., provide that the judicial officer must release the accused on his own personal recognizance or upon the execution of an unsecured appearance bond in an amount to be determined by the judicial officer unless the judicial officer finds that such release will not adequately assure the accused's appearance at trial or would pose a danger to the community. If the judicial officer makes such a determination, the judicial officer may release the accused under various conditions enumerated in the law, AS 12.30.020, a copy of which is attached hereto.

The accused is entitled to have the conditions of his bail reviewed if he remains in custody 48 hours after this first judicial appearance because of his inability to make bail. If review is requested, the judicial officer must set out in writing the reasons for requiring the conditions imposed. If the accused remains in custody after this initial review, he is entitled to move the court having jurisdiction over the offense to amend the conditions of bail. Should either the district or superior court, whichever is applicable, uphold the conditions of bail, the accused is then entitled to appeal the matter to the appropriate appellate court. AS 12.30.020, AS 12.30.030.

IV. COMMITTING MAGISTRATES IN ANCHORAGE

Bail determinations in Anchorage, unlike any other town in Alaska, are made by committing magistrates. There are five committing magistrates in Anchorage. These magistrates are available 24 hours each day. Unlike rural magistrates, committing magistrates must have a law degree. The function of the committing magistrates is to set bail within a few hours of arrest in order to reduce the overcrowding of jail facilities in Anchorage.

Although proceedings before the committing magistrates are conducted in the jail facilities, they are formal judicial proceedings which are electronically recorded. Both the defendant and a law enforcement officer are present. The testimony sought from the law enforcement officer includes the defendant's criminal record or history, if any.

In determining the conditions of bail, committing magistrates have as a reference the misdemeanor bail schedule for the Third Judicial District, but they are not bound by those scheduled amounts. Committing magistrates are authorized to release individuals on their own recognizance and frequently grant such releases in misdemeanor cases. A copy of the form "Order and Conditions of Release" utilized by the committing magistrates is attached hereto. That order indicates the full range of bail conditions, which include: release on personal recognizance, Unsecured Bond, 10% Deposit Bond, Full Deposit or Secured Bond, and Third Party Custody.

THE SUPREME COURT OF THE STATE OF ALASKA

ORDER NO. 309

Temporarily Requiring the
Adoption of Misdemeanor
Bail Schedules in Local
Communities.

IT IS ORDERED:

1) Until further order of this Court, the Presiding Judge of each judicial district shall forthwith adopt a misdemeanor bail schedule for use in each community within his district in which there are facilities for overnight pre-trial detention of more than twelve persons. The Presiding Judge may adopt a misdemeanor bail schedule for use in other communities in his district.

2) Before adopting a schedule for a community, the Presiding Judge shall consult with the judicial officers in that community who regularly set bail in misdemeanor cases.

3) An order adopting a bail schedule must provide that the scheduled bail amount shall not apply and a judicial officer shall be contacted in any case in which unusual circumstances exist involving questions of protection of the public.

4) An order adopting a bail schedule must provide that the scheduled bail amount shall not apply and a judicial officer shall be contacted at the defendant's request if the defendant is immediately unable to post the scheduled amount in any case in which circumstances exist indicating that the defendant's appearance in court can be reasonably assured by one of the following:

- (a) release on personal recognizance;
- (b) release on other appropriate conditions;
- (c) the execution of an unsecured appearance bond in an amount equal to or less than the scheduled bail amount, and the deposit in cash or other security of not more than 10 per cent of the amount of the bond; or
- (d) the execution of a bail bond in an amount less than the scheduled bail amount, secured by cash or other solvent sureties.

5) Each Area Court Administrator, or the Presiding Judge in those judicial districts not having an Area Court Administrator, shall cooperate with state and local law enforcement personnel in his district to encourage the use of citations as authorized by AS 12.25.180 and Criminal Rule 3.

DATED: May 24 1978
EFFECTIVE DATE: May 24 1978

Robert Roscher
Chief Justice

Jay A. Halverson
Justice

Roger N. Connor
Justice

Warren W. White
Justice

I dissent from the adoption of this order for the reason that I am not satisfied that this Court has jurisdiction to require or authorize bail schedules.

Edmund T. Gurnea
Justice

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- Ak. Legal Serv.

IN THE TRIAL COURTS FOR THE STATE OF ALASKA

FIRST JUDICIAL DISTRICT

1
2
3 In the Matter of)
4 A BAIL SCHEDULE,)
5 First Judicial)
6 District.)
_____)

ORDER

7
8 It appearing to the court that the orderly administration of
9 criminal justice will be served if the officials admitting persons
10 to the jails in Sitka, Ketchikan, Wrangell and Juneau, are
11 authorized to accept bail from such persons immediately after
12 their booking and pending arraignment, and accordingly, pursuant
13 to Supreme Court Order No. 309, it is

14 ORDERED as follows:

15 1) The officials in charge of the jails in the above-named
16 locations are authorized to accept bail from persons arrested and
17 admitted to those jails for the purpose of ensuring their appear-
18 ance at arraignment; the bail shall consist of a cash deposit in
19 the full amount listed except as otherwise ordered herein.

20 2) Nothing herein shall prevent the officials in charge of
21 the jails from refusing to receive bail pending arraignment from
22 a defendant who is under the influence of intoxicants, or of
23 narcotic or hallucinogenic drugs at the time of booking to such a
24 degree as to be a danger to themselves or the public. If unusual
25 circumstances exist involving questions of protection of the
26 public, the bail schedule will not apply and a judicial officer
27 shall be contacted.

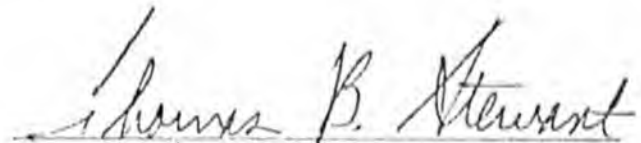
28 3) The bail schedule will not apply, and a judicial
29 officer shall be contacted at the defendant's request, if the
30 defendant is immediately unable to post the scheduled amount and
31 it appears that circumstances exist indicating that the defend-
32 ant's appearance in court can be reasonably assured by one of the

1 following:

- 2 (a) release on personal recognizance;
- 3 (b) release on other appropriate conditions;
- 4 (c) the execution of an unsecured appearance bond in
5 an amount equal to or less than the scheduled
6 bail amount, and the deposit in cash or other
7 security of not more than ten percent of the amount
8 of the bond; or
- 9 (d) the execution of a bail bond in an amount less
10 than the scheduled bail amount, secured by cash
11 or other solvent sureties.

12 4) The bail schedule applicable in these designated loca-
13 tions of the First Judicial District shall be as shown in the
14 appendix to this order, consisting of two pages, effective on
15 and after the date hereof.

16 DATED: November 9, 1978.

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18 Thomas B. Stewart
19 Presiding Judge
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11.20.630		
11.45.050	Turning in False Fire Alarm	500
18.70.080	Unlawful Discharge of Fireworks	OR
	Unauthorized Entry	500
	Minor Consuming (18 years)	OR
	Minor in Possession (13 years)	OR
	Minor on Premises (18 years)	100
	Minor Purchasing (18 years)	100



Superior Court

State of Alaska

SECOND JUDICIAL DISTRICT

FEDERAL BUILDING

NOME, ALASKA

99762

WILLIAM H. SANDERS, PRESIDING JUDGE

September 10, 1979

Ms. Margaret W. Berck
Counsel
House Judiciary Committee
Pouch V
State Capitol
Juneau, Alaska 99811

Re: Misdemeanor Bail Schedule

Dear Ms. Berck:

Enclosed is a photostatic copy of our bail schedule for this area. This schedule is used by the jailers pending arraignment. After arraignment a vast majority of our misdemeanor defendants are released on their own OR.


We have a felony bail schedule and a traffic bail schedule.

The traffic bail schedule is the same as that in Anchorage. The felony bail schedule is separate and likewise is used by the jailers pending arraignment by the judge.

The judge in the majority of cases, including misdemeanors and felonies, allows defendant's release on their own OR unless the Court finds that they are a danger to the community or will not show up for the next hearing.

If there is anything further we can provide for you please so advise.

Sincerely,


WILLIAM H. SANDERS

Enclosure
WHS:ghb

IN THE TRIAL COURTS FOR THE STATE OF ALASKA

SECOND JUDICIAL DISTRICT

In the Matter of Bail Considerations)
For the Second Judicial District)
Misdemeanor Cases in the Nome Area)
_____)

ORDER SETTING BAIL SCHEDULE
IN MISDEMEANOR CASES

IT IS ORDERED that bail for misdemeanors is scheduled as follows:

I. BAIL:

A. Any misdemeanor bail not listed on a warrant or on the following schedule shall be \$50.00- (except when the only penalty is a fine, see paragraph II, unless the Court sets a different bail).

B. LISTED OFFENSES: BAIL

- | | |
|--|-----------|
| 1. Possession of Drugs except marijuana (when misdemeanor)..... | \$250.00 |
| 2. Riot, Rescue, & Escape (when misdemeanor)..... | \$500.00 |
| 3. Prostitution offenses (assignation & soliciting)..... | \$250.00 |
| 4. Gun Violations (including Carrying a Concealed Weapon when it is a gun)..... | \$1000.00 |
| 5. Assault & Battery (including Assault or Battery)..... | \$500.00 |
| 6. Reckless Driving, OMVI, Leaving Scene of Accident, Driving While License is Cancelled, Suspended or Revoked, Violation of Limited License, Joyriding..... | \$250.00 |
| 7. Impersonating a Police Officer or Peace Officer..... | \$500.00 |
| 8. Petty Larceny, Shoplifting or Disorderly Conduct..... | \$100.00 |

C. The scheduled bail amount shall not apply and a judicial officer shall be contacted in any case in which unusual circumstances exist involving questions of protection of the public.

II. PENALTY FINES:

No person may be held in custody and no bail shall be required on a misdemeanor charge where the penalty can only be a fine (trespass, public possession of small amounts of marijuana, etc.).

III. ORDERED that the Nome State Correctional Facility or any other detention facility shall take cash bail as set by this schedule and if the defendant is released he is to report to the trial court in the Federal Building in Nome, Alaska, the next work day at 1:30 p.m. for arraignment with the following conditions of release:

- (1) Promise to appear in Court.
- (2) Not to consume any alcoholic beverages or enter any bar or liquor store where alcoholic beverages are sold.
- (3) Promise not to contact, talk or approach any witnesses to the incident or the victim involved in the case (his attorney may investigate the matter).
- (4) Not to violate any City, State or Federal laws. It is further

IV. ORDERED that all defendants shall be arraigned within 24 hours of their detention, and all defendants who have been arraigned coming in from the bush to Nome shall be taken before the judge or magistrate in Nome within 24 hours of his/her detention in Nome for his/her bail to be

reviewed and assignment of counsel. No distinction shall be drawn between cases in which arrest was made pursuant to a warrant and cases in which arrest was made without a warrant. (In any case in which there may be some misunderstanding or confusion please call a judge or magistrate for directions). (Defendants released on bail are to report to the court on the next workday for arraignment. Workdays are Mondays through Fridays).

DATED at Nome, Alaska this 15th day of May, 1979.

William H. Sanders *Frank B. Pankhurst*

WILLIAM H. SANDERS
Superior Court Judge
Home Telephone: 443-2360

FRANK B. PANKHURST
District Court Judge
Home Telephone: 443-5585

Janet M. Tobuk

JANET M. TOBUK
Magistrate
Home Telephone: 443-2751

All Judges and Magistrates
Office Number: 443-5216

DISTRIBUTION:

Third Judicial District

MUNICIPAL BAIL SCHEDULE

<u>CITE</u>	<u>CHARGE</u>	<u>BAIL</u>
8.05.010	Alcoholic Liquor - Sale - Gift - Delivery to Designated Persons Prohibited	\$ 500.00
8.05.030	Assault and Battery	\$ 250.00
8.05.030(d)	Assault and Battery on Officer, Fireman, Paramedic	\$ 500.00
8.05.070	Concealed Weapon	\$ 250.00
8.05.080	Consuming Liquor in Public Place	\$ 50.00
8.05.100	Defrauding Innkeeper	\$ 250.00
8.05.120	Disorderly Conduct	\$ 100.00
8.05.150	Drunk on Roadway	\$ 50.00
8.05.160	Enticement	\$ 500.00
8.05.170	Escape	JUDGE
8.05.180	Evidence - Withholding of	\$ 500.00
8.05.190	False Report of Crime	\$ 500.00
8.05.200	False Complaints and Alarms	\$ 500.00
8.05.210	False Bomb Report	\$1000.00
8.05.220	False Pretenses - Obtaining Money by	\$ 500.00
8.05.240	Firearms - Discharging of	\$ 500.00
8.05.250	Firearms on Licensed Premises	\$ 250.00
8.05.270	Fireworks	\$ 50.00
8.05.290	Impersonation of Officer	\$ 500.00
8.05.300	Indecent Exposure or Exhibition	\$ 250.00
8.05.360	Larceny, Petty (less than \$250.00)	\$ 500.00
8.05.370	Littering and Defacing	\$ 250.00
8.05.380	Lost Property - Retention of	\$ 500.00
8.05.390	Magazine Subscription Sales	\$ 50.00
8.05.400	Malicious Destruction of Property	\$ 500.00

MUNICIPAL BAIL SCHEDULE

<u>CITE</u>	<u>CHARGE</u>	<u>BAIL</u>
8.05.420	Minors-Disseminating Indecent Material to	\$ 250.00
8.05.425	Sexual Exploitation of Children	\$1000.00
8.05.430	Minors - Sale of Firearms to	\$ 250.00
8.05.440	Minors - Curfew	\$ 50.00
8.05.450	Minors - Sale of Tobacco Products to	\$ 100.00
8.05.480	Notices - Destruction of	\$ 50.00
8.05.490	Public Excretion	\$ 100.00
8.05.530	Resisting Officers	\$ 250.00
8.05.550	Shoplifting	\$ 250.00
8.05.560	Solicitation of Illegal Act	\$ 500.00
8.05.580	Switchblade Knives	\$ 250.00
8.05.590	Telephones - Illegal Use of	\$ 250.00
8.05.600	Theft of Vehicle and Joyriding	\$1000.00
8.05.610	Unauthorized Use of Keys (duplication)	50.00
8.05.620	Unauthorized Entry	\$ 500.00
8.05.660	Vehicle - Tampering with	\$ 250.00
8.05.670	Weapon - Possession of with Intent to Assault	JUDGE
8.14.	Prostitution & related offenses	\$ 500.00
8.16.020	Gambling & related offenses	\$ 500.00
8.30.010	Trespass	\$ 100.00
9.28.010	Reckless Driving	\$ 500.00
9.28.020	Driving While under the Influence of Intoxicating Liquor	\$ 500.00
9.28.040	Elduding Police Officer	\$ 500.00
9.10.036	Leaving Scene of Accident(Hit & Run)	\$ 500.00

STATE BAIL SCHEDULE

<u>CITE</u>	<u>CHARGE</u>	<u>BAIL</u>
4.10.010	Sales without a License	\$ 500.00
4.10.110	Sales Other than to Licensee	\$ 500.00
4.10.190	Perjury	JUDGE
4.15.010	Sales during Closed Hours	\$ 500.00
4.15.020	Sales to Minors	\$ 500.00
4.15.020(d)	Minor on Premises	\$ 50.00
4.15.035	Warehousing of Intoxicating Liquors in Unlicensed Premises	\$ 500.00
4.15.060	Purchasing Liquor by Minor	\$ 50.00
4.15.060(e)	Allowing Minor to Remain on Premises	\$ 500.00
4.15.080	Non-licensee Giving Intoxicating Liquor to Minor	\$ 500.00
4.15.085	Giving Intoxicating Liquor on Credit	\$ 500.00
4.15.110	Sales in Violation of Local Option	\$1000.00
15 AAC 20.040	Operating Bottle Club	\$ 500.00
15 AAC 20.100	Possession by a Minor	\$ 50.00
15 AAC 20.100(2)	Consumption by a Minor	\$ 50.00
4.10.070	Sales to Other than Club Members	\$ 500.00

STATE BAIL SCHEDULE/MISDEMEANORS

<u>CITE</u>	<u>CHARGE</u>	<u>BAIL</u>
AS 28.10.181(j)	Improper Use of Dealer Plates	\$ 50.00
AS 28.10.271	Failure to Transfer Registration	\$ 50.00
AS 28.10.271(b)	Failure to Notify Department of Motor Vehicles of Transfer	\$ 50.00
AS 28.10.351	Failure to Surrender Title and Registration	\$ 100.00
AS 28.10.271	Failure to Endorse or Deliver Title	100.00
AS 28.11.010	Unlawful Abandonment of Vehicle	\$ 250.00
AS 28.15.171	Driving While License Suspended by Another State	500.00
AS 28.15.281(1)	Possession of Invalid License	500.00
	(2) Using Another's License	100.00
	(4) Allowing Use of License by Another	100.00
AS 28.15.291	Driving While License Suspended	500.00
	Driving in Violation of Limited License	500.00

STATE BAIL SCHEDULE/MISDEMEANORS

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<u>CITE</u>	<u>CHARGE</u>	<u>BAIL</u>
DRIVER TRAINING:		
AS 28.17.011	Instructor's License Required	\$ 100.00
FINANCIAL RESPONSIBILITY:		
AS 28.20.560(a)	Giving False Affidavit	\$ 500.00
AS 28.20.560(b)	Failure to Surrender License	\$ 500.00
AS 28.20.570	Falsified Proof of Financial Responsibility	\$ 500.00
MISCELLANEOUS:		
AS 28.35.010(a)	Joyriding	\$1000.00
AS 28.35.015	Vehicle Tampering	\$ 250.00
AS 28.35.024(a)	Person Renting Vehicle Not Licensed	\$ 100.00
AS 28.35.024(b)	Renter Failing to Inspect	\$ 50.00
AS 28.35.024(c)	Renter Failing to Keep Information	\$ 50.00
AS 28.35.030	Operating a Motor Vehicle Under the Influence	\$ 500.00
AS 28.35.040	Reckless Driving	\$ 500.00
AS 28.35.045	Negligent Driving	\$ 250.00
AS 28.35.045(b)	Failure to Remain at Scene of Accident with Attended Vehicle	\$ 500.00
AS 28.35.045(c)	Failure to Remain at Scene of Accident with Unattended Vehicle	\$ 500.00
AS 28.35.045(d)	Leaving Scene of Unattended Vehicle without Leaving Information Statement	\$ 500.00
AS 28.35.060(a)	Failure to Give Information at Accident Resulting in Injury or Damage to Attended Vehicle	\$ 500.00
AS 28.35.080(a)	Operator Failure to Notify of Accident	\$ 100.00
AS 28.35.080(b)	Operator Failure to Forward Report of Accident	\$ 100.00
AS 28.35.090(a)	Occupant Failure to Notify of Accident	\$ 100.00
AS 28.35.090(b)	Owner Failure to Forward Report of Accident	\$ 100.00

STATE BAIL SCHEDULE/MISDEMEANORS

<u>CITE</u>	<u>CHARGE</u>	<u>BAIL</u>
AS 28.35.110(a)	Falsification of Accident Report	\$ 500.00
AS 28.35.130	Concealing Evidence of Accident	500.00
AS 28.35.135(b)	Notification of Change of Address	50.00

STATE BAIL SCHEDULE/MISDEMEANORS

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<u>CITE</u>	<u>CHARGE</u>	<u>BAIL</u>
TITLE II:		
AS 11.15.200	Careless Use of Firearms	\$ 250.00
AS 11.15.230	Assault and Battery	\$ 250.00
AS 11.15.230(a)	Assault and Battery on a Police Officer	\$ 500.00
AS 11.15.340	Negligent Use of Combustible Materials	\$ 500.00
AS 11.20.135	Unauthorized Entry	\$ 500.00
AS 11.20.140	Petty Larceny (under \$250.00)	\$ 500.00
AS 11.20.145	Unconsensual Taking Watercraft or Aircraft	\$1000.00
AS 11.20.170	Driving Animals from Range	\$ 250.00
AS 11.20.210	ICWOF	\$ 500.00
AS 11.20.230	ICWOF with Intent to Defraud (under \$250.00)	\$ 500.00
AS 11.20.275	Concealment of Merchandise	\$ 250.00
AS 11.20.280	Embezzlement by Employee (under \$100.00)	\$ 500.00
AS 11.20.290	Embezzlement by Bailee (under \$100.00)	\$ 500.00
AS 11.20.330	Embezzlement by Trustee (under \$100.00)	\$ 500.00
AS 11.20.340	Embezzlement by Fiduciary (under \$100.00)	\$ 500.00
AS 11.20.350	Buying, Receiving and Concealing Stolen Property (under \$250.00)	\$ 500.00
AS 11.20.430	False Corporation Records	\$ 500.00
AS 11.20.440	False Corporation, Reports	\$ 500.00
AS 11.20.450	False Pretenses for Organization	\$ 500.00
AS 11.20.470	False Statements about Financial Institutions	\$ 250.00
AS 11.20.480	Defrauding Innkeeper	\$ 250.00
AS 11.20.495	Fraudulent Use of Telecommunications Service	\$ 500.00
AS 11.20.500	Unauthorized Use of Badge or Emblem	\$ 50.00

STATE BAIL SCHEDULE/MISDEMEANORS
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<u>CITE</u>	<u>CHARGE</u>	<u>BAIL</u>
AS 11.20.510	False Labeling of Jewelry	\$ 500.00
AS 11.20.515(a)	Malicious Destruction of Private Property	\$ 500.00
AS 11.20.515(b)	Tampering with Property	\$ 250.00
AS 11.20.517	Destruction of Gas and Oil Signs	\$ 500.00
AS 11.20.575	Malicious Destruction by Tenant	\$ 500.00
AS 11.20.590	Injury to Public Highway, Recreation Facilities and Highway Signs	\$ 500.00
AS 11.20.610	Trespassing on Improved Lands	\$ 100.00
AS 11.20.630	Trespass	\$ 100.00
AS 11.20.635	Trespass on Oil or Gas Property	\$ 100.00
AS 11.20.650	Trespass on Mining Claims	\$ 100.00
AS 11.20.660	Opening Sealed Letters	\$ 250.00
AS 11.20.670	Destruction of a Camp	\$ 500.00
AS 11.22.010	Theft of Credit Card	\$ 500.00
AS 11.22.020	Possession of Stolen Credit Card	\$ 500.00
AS 11.22.030	Sale and Purchase of a Credit Card	\$1000.00
AS 11.22.040	Obtaining Credit Card as Security with Intent to Defraud	\$ 500.00
AS 11.22.060	Signing Credit Card of Another	\$ 500.00
AS 11.22.070	Fraudulent Use of Credit Card (under \$500.00)	\$ 500.00
AS 11.22.080	Fraud by Provider of Goods	\$ 500.00
AS 11.22.090	Misrepresentation to Issuer	\$ 500.00
AS 11.22.110	Receiving Stolen Goods of Services Knowing Obtained Fraudulently	\$ 500.00
AS 11.25.080	Counterfeiting or Imitating Brands	\$ 250.00

STATE BAIL SCHEDULE/MISDEMEANORS
Page --6--

<u>CITE</u>	<u>CHARGE</u>	<u>BAIL</u>
AS 11.30.200	Refusal to Aid Officer	\$ 500.00
AS 11.30.220	Impersonating Peace Officer	\$1000.00
AS 11.30.230	Public Officer Misconduct	\$ 500.00
AS 11.30.240	Mishandling Public Records	\$ 500.00
AS 11.30.315	Destruction of Evidence	\$ 500.00
AS 11.30.210	Obstructing an Officer	\$ 250.00
AS 11.30.090	Escape (Misdemeanor)	JUDGE
AS 11.30.215	False Police Report	\$ 500.00
AS 11.30.245	Obstruction of Access to Public Records	\$ 500.00
AS 11.30.190	Compounding a Crime	\$ 500.00
AS 11.35.010	Non-support	\$ 500.00
AS 11.36.010	Failure to Permit Visitation	\$ 100.00
AS 11.40.080	Indecent Exposure	\$ 250.00
AS 11.40.090	Concealment of Death of Child	\$1000.00
AS 11.40.130	Contributing to Delinquency of Child (Misdemeanor only)	\$ 500.00
AS 11.40.160	Objectional Comic Books	\$ 250.00
AS 11.40.220	Prostitution	\$ 500.00
AS 11.40.230	Procuring for Prostitution	\$ 500.00
AS 11.40.240	Receiving for Prostitution	\$ 500.00
AS 11.40.260	Keeping Bawdyhouse	\$1000.00
AS 11.40.420	Pimping	\$ 500.00
AS 11.40.440	Disinterment of Body	JUDGE
AS 11.40.450	Attaching or Detaining Dead Body for Debt	\$ 500.00
AS 11.40.460	Damage to Cemetery	\$ 250.00
AS 11.40.470	Road through Cemetery	\$ 250.00

STATE BAIL SCHEDULE/MISDEMEANORS
 Page -7-

<u>CITE</u>	<u>CHARGE</u>	<u>BAIL</u>
AS 11.40.510	Use of Live Birds as Target	\$ 250.00
AS 11.40.500	Abandoning Disabled Animals to Die	\$ 250.00
AS 11.40.520	Illegal Fighting Animals	\$ 500.00
AS 11.40.530	Unsanitary Pet Shop	\$ 500.00
AS 11.40.480- 17.05.090	Cruelty to Animals	\$ 250.00
AS 11.45.010	Riot	\$1000.00
AS 11.45.030	Disorderly Conduct	\$ 100.00
AS 11.45.035	Illegal Use of Telephones	\$ 250.00
AS 11.45.050	False Alarms	\$ 500.00
AS 11.45.055	Threats and False Reports of Bombing	\$1000.00
AS 11.55.010	C.C.W.	\$ 250.00
AS 11.55.050	Flourishing	\$ 500.00
AS 11.55.060	Shooting at Buildings	\$ 500.00
AS 11.55.070	P.F.W.I.	\$ 500.00
AS 11.60.225	Improper Use of State Seal	\$ 100.00
AS 11.60.010	Lottery	\$ 500.00
AS 11.60.020	Selling Tickets or Shares	\$ 250.00
AS 11.60.030	Advertising Tickets or Shares	\$ 250.00
AS 11.50.040	Selling Fictitious Tickets or Tickets in Fictitious Lotteries	\$ 500.00
AS 11.50.070	Minors in Card Rooms	\$ 500.00
AS 11.60.080	Selling or Giving Tobacco to Minors	\$ 100.00
AS 11.60.100	Frequenting Opium dens	\$ 250.00
AS 11.60.140	Dealing or Conducting Gambling Game	\$ 500.00
AS 11.60.200	Permitting Dangerous Animals to be at Large	\$ 250.00
AS 11.60.220	Desecration of Flag	\$ 250.00

STATE BAIL SCHEDULE/MISDEMEANORS

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<u>CITE</u>	<u>CHARGE</u>	<u>BAIL</u>
AS 11.60.270	Penalty for Violation of Curfew	\$ 50.00
AS 11.60.280	Unauthorized Publication or Use of Communications	\$ 250.00
AS 11.60.290	Eavesdropping	\$ 250.00
AS 11.60.350	Deprivation of Rights under Color of Law	\$ 500.00
AS 11.65.010	Discharging Ballast into Navigable Waters	\$1000.00
AS 11.65.020	Interfering with Buoys and Beacons	\$1000.00
AS 11.65.030	Tampering with Posted Notices	\$ 500.00
AS 17.	All Title 17 Misdemeanors are to be set at	\$ 250.00
	with the exception of	
AS 17.12.010	Possession of Marijuana	\$ 100.00

ALCOHOLIC BEVERAGE CONTROL BOARD BAIL SCHEDULE

<u>CITE</u>	<u>CHARGE</u>	<u>BAIL</u>
AS 4.10.010	Sales without a License	\$ 500.00
AS 4.10.010	Trafficking in Alcoholic Beverage without a License	\$ 500.00
AS 4.10.110	Sales other than to a Licensee	\$ 500.00
AS 4.10.190	Perjury	JUDGE
AS 4.15.010) 15 AAC 20.070)	Sales During Closed Hours	\$ 500.00
AS 4.15.010	Consumption on Premises During Closed Hours	\$ 100.00
AS 4.15.020(a)	Sales to Minor	\$ 500.00
AS 4.15.020(a)	Sales to Intoxicated Person	\$ 500.00
AS 4.15.020(a)	Licensee or His Employee Furnishing to a Minor	\$ 500.00
AS 4.15.020(d)	Minor on Licensed Premises	\$ 50.00
AS 4.15.035(a)	Warehousing of Intoxicating Liquors in Unlicensed Premises	\$ 500.00
AS 4.15.060(a)	Purchasing Liquor by a Minor	\$ 50.00
AS 4.15.060(c)	Use of False I.D.	\$ 50.00
AS 4.15.060(e)	Allowing a Minor to Remain on Licensed Premises	\$ 500.00
AS 4.15.080	Non-licensee Giving Intoxicating Liquor to a Minor	\$ 500.00
AS 4.15.085	Giving Intoxicating Liquor on Credit	\$ 500.00
AS 4.15.110	Sales in Violation of Local Option	\$1000.00
15 AAC 20.040	Operating a Bottle Club	\$ 500.00
15 AAC 20.100	Possession by a Minor	\$ 50.00
15 AAC 20.100	Consumption by a Minor	\$ 50.00
AS 4.10.070	Sales Other Than to Club Members	\$ 500.00
15 AAC 20.170	Sales Other Than to Club Members	\$ 500.00

FISH AND GAME BAIL SCHEDULE

<u>CITE</u>	<u>CHARGE</u>	<u>BAIL</u>
UNLAWFUL ACTS:		
AS 16.05.920	Polar Bear	\$5000.00
	Brown Bear	\$5000.00
	Glazier Bear	\$5000.00
	Sheep, Waste	\$5000.00
	Walrus, Bison or Specified Game (same day airborne, illegal taking and possession)	\$2500.00
	Black Bear	\$1000.00
	Moose, Elk, Caribou, Goat	\$1500.00
	Undersized Sheep	\$1500.00
	Deer	\$ 500.00
	Wolf, Wolverine	\$100.00
	Sale of Game Meat	\$2500.00
	Import of Exotic Species	\$1000.00
	License/Tags:	
	Sport Fishing without License	\$ 100.00
	Sport Hunting, Small Game	\$ 500.00
	Sport Hunting, Big Game	\$ 500.00
	Falsification of License	\$ 500.00
	Illegal Means, Except Same Day Airborne	500.00
	Sport Fish:	
	Overlimit	\$ 250.00
	Closed Waters	\$ 500.00
	Snagging	\$ 250.00
	Illegal Gear	\$ 500.00
	Illegal Size	\$ 500.00
	All Other Sport Fishing Violations	\$ 500.00

FISH AND GAME BAIL SCHEDULE

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<u>CITE</u>	<u>CHARGE</u>	<u>BAIL</u>
	Unlawful Sale of Fish	\$2500.00
	All Trapping	\$ 500.00
	Waterfowl	\$ 250.00
	Limited Entry:	
	Closed Waters	\$5000.00
	Closed Period	\$5000.00
	Closed Season	\$5000.00
	Illegal Gear	\$5000.00
	Illegal Possession	\$5000.00
	Crew Member	\$2000.00

NATURAL RESOURCES BAIL SCHEDULE

<u>CITE</u>	<u>CHARGE</u>	<u>BAIL</u>
11 AAC 12.010	Limitation on Use of Park Lands and Water	\$ 100.00
11 AAC 12.020	Speed Limit in Parks	\$ 2.00 p/mph
11 AAC 12.030	Waters Closed to Aircraft and Boats	\$ 100.00
11 AAC 12.040	Special Event by Permit	\$ 100.00
11 AAC 12.050	Refuse and Waste (Littering)	\$ 100.00 or 8 hrs. picking up litter
11 AAC 12.100	Vehicles (Off-road Operation)	\$ 500.00
11 AAC 12.110	Motor Vehicle Operation	\$ 50.00
11 AAC 12.120	Horses	\$ 50.00 p/hors
11 AAC 12.130	Pets	\$ 100.00
11 AAC 12.140	Construction of Structures	\$ 100.00
11 AAC 12.150	Construction of Signs	\$ 50.00
11 AAC 12.160	Assembly by Permit	\$ 100.00
11 AAC 12.170	Disturbance of Natural Material	\$ 250.00
11 AAC 12.180	Fires (Building in Wrong Place)	\$ 50.00
11 AAC 12.190	Explosives and Fireworks	\$ 100.00
11 AAC 12.200	Underwater Diving Safety	\$ 50.00
11 AAC 12.210	Limitation as to Numbers	\$ 50.00
11 AAC 12.230	Camping	\$ 50.00
11 AAC 12.300	Peddling	\$ 100.00
11 AAC 12.310(a) 11 AAC 12.310(b)	Fees	\$ 50.00
11 AAC 18.010	State Park Incompatible Uses	\$ 500.00
AS 41.	Protection of Forest Lands	\$ 500.00

State of Alaska
Department of Commerce and Economic Development
Weights and Measures Section

FINES AND PENALTIES GUIDELINE

- AS 45.75.100(b) Sell or offer for sale "off sale" commodity
1st \$20/count, \$100 minimum
2nd \$50/count, \$250 minimum
- 110(b) Violation of "stop use" order
1st \$100
2nd \$250
- 180 Failure to correct device within 30 days
1st \$50/count
2nd \$100/count
- 180 Use a rejected device
1st \$100/count
2nd \$250/count
- 190 Incorrect method of sale
1st \$20/count, \$100 minimum
2nd \$50/count, \$250 minimum
- 200(a)(1) No declaration of net quantity
1st \$20/count, \$100 minimum
2nd \$50/count, \$250 minimum
- 200(a)(2) No declaration of origin
1st \$20/count, \$50 minimum
2nd \$50/count, \$100 minimum
- 200(a)(3) No declaration of identity
1st \$20/count, \$50 minimum
2nd \$50/count, \$100 minimum
- 210 No declaration of unit price
1st \$20/count, \$100 minimum
2nd \$50/count, \$250 minimum
- 220 Misleading packaging
1st \$50/count, \$250 minimum
2nd \$100/count, \$500 minimum
- 225(a) No "price per quantity" declaration in advertising
1st \$100
2nd \$250

- 225(c) Use of qualifying term in advertising
1st \$100/count
2nd \$250/count
- 230 Misrepresentation of price
1st \$50/count, \$250 minimum
2nd \$100/count, \$500 minimum
- 240 Incorrect sale of meat, poultry or seafood
1st \$20/count, \$100 minimum
2nd \$50/count, \$250 minimum
- 250 Incorrect sale of bread
1st \$20/count, \$100 minimum
2nd \$50/count, \$250 minimum
- 260 Incorrect sale of butter, oleo, or margarine
1st \$20/count, \$100 minimum
2nd \$50/count, \$250 minimum
- 270 Incorrect sale of fluid dairy product
1st \$20/count, \$100 minimum
2nd \$50/count, \$250 minimum
- 280 Incorrect sale of flour, cornmeal or hominy
1st \$20/count, \$100 minimum
2nd \$50/count, \$250 minimum
- 282 Incorrect or no delivery ticket on bulk delivery
1st \$100/count
2nd \$250/count
- 288 Incorrect or no delivery ticket on bulk liquid fuel
1st \$100/count
2nd \$250/count
- 290(a) Incorrect sale of coal, coke and charcoal
1st \$20/count, \$100 minimum
2nd \$50/count, \$250 minimum
- 290(b) Incorrect or no delivery ticket on bulk coal,
coke or charcoal
1st \$100/count
2nd \$250/count
- 300 Incorrect sale of textile products
1st \$20/count, \$100 minimum
2nd \$50/count, \$250 minimum

- 310 Incorrect sale of berries or small fruits
1st \$20/count, \$100 minimum
2nd \$50/count, \$250 minimum
- 360 Hindering or obstructing an officer
1st \$100/count
2nd \$200/count, jail
- 370 Impersonation of an officer
1st \$250/count
2nd \$500/count, jail
- 380 Has or uses incorrect or fraudulent device
1st \$100/count
2nd \$250/count
- 380(2) Uses an unsealed device
1st \$100/count
2nd \$250/count
- 380(3) Disposes of an incorrect device
1st \$100/count
2nd \$250/count
- 380(4) Removes a seal
1st \$100/count
2nd \$250/count
- 380(5) Short quantity
1st \$20/count, \$100 minimum
2nd \$50/count, \$250 minimum
- 380(6) Represents fraudulent quantity as buyer
1st \$50/count, \$200 minimum
2nd \$100/count, \$500 minimum
- 380(7) Keeps, sells or advertises contrary to law
1st \$20/count, \$100 minimum
2nd \$50/count, \$250 minimum
- 380(8) No customer indication of quantity on a device
1st \$100/count
2nd \$250/count
- 380(9) Violation of law or regulation
1st \$20/count, \$100 minimum
2nd \$50/count, \$250 minimum

IN THE SUPERIOR COURT FOR THE STATE OF ALASKA

FOURTH JUDICIAL DISTRICT

ADMINISTRATIVE DIRECTIVE NO. 121

Pursuant to the directive of the Supreme Court set forth in Supreme Court Order No. 309, IT IS HEREBY ORDERED that Administrative Directive No. 119 is hereby rescinded and replaced by the following directive:

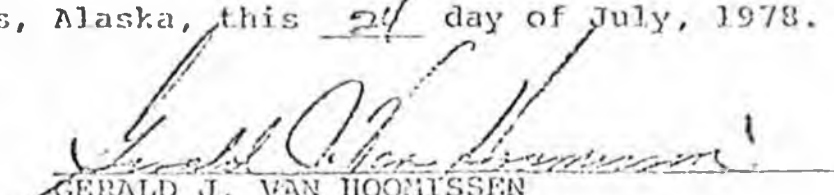
1. That bail schedule previously existing and as modified and appended hereto before issuance of Administrative Directive No. 119, is hereby reinstated subject to the following conditions:

A. In any case in which unusual circumstances exist, involving questions of the protection of the public, before release of defendant, the duty judge, or in the event of his unavailability, any other judge shall be contacted so that adequate bail may be determined.

B. In cases where defendant is unable to post the scheduled amount and so requests, the duty judge, or in cases of his unavailability, any other judge shall be immediately contacted so that adequate bail may be determined. The following alternatives to the scheduled amount shall be considered:

- 1) Release on personal recognizance;
- 2) Release on other appropriate conditions;
- 3) Release pursuant to execution of unsecured appearance bond in an amount equal to or less than the scheduled bail amount, and a deposit in cash or other security of not more than 10 percent of the amount of the bond; or
- 4) The execution of a bail bond in the amount less than the scheduled bail amount secured by cash or other appropriate security.

DATED at Fairbanks, Alaska, this 24 day of July, 1978.


GERALD J. VAN HOOFTISSEN
Presiding Superior Court Judge

Distribution

Supreme Court Justices
Superior Court Judges
District Court Judges
Magistrates
Magistrate Supervisor
Clerks of the Court
Law Librarian
Probate Master
Department of Law
Public Defender Agency
Department of Public Safety
Fairbanks City Police Department
Alaska Legal Services
Division of Corrections
Probation Department
Fairbanks Correctional Center
Judicial Services
Area Court Administrator

BAIL SCHEDULE

- A. Ordinarily, bail on any and all felonies shall be set at arraignment or the initial presentment before the judge or magistrate. If the defendant has been arrested on a felony warrant, that bail will control until the defendant appears before a judge or magistrate unless a judge or magistrate otherwise directs.
- B. Any misdemeanor not listed on a warrant or on the following schedule shall be \$50.00 unless the court sets a different bail.

	<u>OFFENSE</u>	<u>BAIL</u>
1.	Possession of Drugs <u>except marijuana</u> (when misdemeanor)	\$ 500.00
2.	Riot, Rescue, and Escape (when misdemeanor)	1,000.00
3.	Prostitution offenses (including assignation and soliciting)	1,000.00
4.	Gun violations (including Carrying Concealed Weapon when it is a gun)	500.00
5.	Assault and Battery (including Battery or Assault)	500.00
6.	Assault and Battery on a Police Officer	1,000.00
7.	Impersonating a Police Officer or Peace Officer	500.00
8.	Reckless Driving, OMVI, Leaving Scene of Accident, Driving While License is Cancelled, Suspended, or Revoked, Joyriding, Violation of Limited License	250.00
9.	Petty Larceny and Shoplifting	500.00

Sec. 12.30.020. Release before trial. (a) A person charged with an offense shall, at his first appearance before a judicial officer, be ordered released pending trial on his personal recognizance or upon the execution of an unsecured appearance bond in an amount specified by the judicial officer unless the officer determines that the release of the person will not reasonably assure the appearance of the person as required, or will pose a danger to other persons and the community. If the offense with which a person is charged is a felony, on motion of the prosecuting attorney, the judicial officer may allow the prosecuting attorney up to 48 hours to demonstrate that release of the person on his personal recognizance or upon the execution of an unsecured appearance bond will not reasonably assure the appearance of the person, or will pose a danger to other persons and the community.

(b) If a judicial officer determines under (a) of this section that the release of a person will not reasonably assure the appearance of the person, or will pose a danger to other persons and the community, the judicial officer may

(1) place the person in the custody of a designated person or organization agreeing to supervise him;

(2) place restrictions on the travel, association, or place of abode of the person during the period of release;

(3) require the person to return to custody after daylight hours on designated conditions;

(4) require the execution of an appearance bond in a specified amount and the deposit in the registry of the court, in cash or other security, a sum not to exceed 10 per cent of the amount of the bond; the deposit to be returned upon the performance of the condition of release;

(5) require the execution of a bail bond with sufficient solvent sureties or the deposit of cash; or

(6) impose any other condition considered reasonably necessary to assure the defendant's appearance as required and the safety of other persons and the community.

(c) In determining the conditions of release under (b) of this section, the judicial officer shall take into account

(1) the nature and circumstances of the offense charged,

(2) the weight of the evidence against the person,

(3) the person's family ties,

(4) the person's employment,

(5) the person's financial resources,

(6) the person's character and mental condition,

(7) the length of the person's residence in the community,

(8) the person's record of convictions,

(9) the person's record of appearance at court proceedings,

(10) the flight of the accused to avoid prosecution or his failure to appear at court proceedings.

(d) A judicial officer authorizing the release of a person under this section shall issue an order containing a statement of the conditions imposed.

§ 12.30.020

(e) The judicial officer shall inform the person of the penalties which may be imposed for a violation of the conditions of his release and advise him that a warrant for his arrest will be issued immediately upon a violation.

(f) A person who remains in custody 48 hours after his appearance before a judicial officer because of his inability to meet the conditions of release shall, upon application, be entitled to have the conditions reviewed by the judicial officer who imposed them. If the judicial officer who imposed the conditions of release is not available, any other judicial officer in the district may review the conditions. If the conditions are not amended and the person remains in custody, the judicial officer shall set out in writing the reasons for requiring the conditions imposed.
(am §§ 1, 2 ch 39 SLA 1974)

(g) A judicial officer who orders the release of a person on a condition specified in (b) of this section may at any time amend his order to impose additional or different conditions of release, or to release the person under (a) of this section.

(h) Information offered or introduced at a hearing before a judicial officer to determine the conditions of release need not conform to the rules governing the admissibility of evidence in a court of law. (§ 1 ch 20 SLA 1966 - am §§ 1, 2 ch 112 SLA 1967)

Cross reference.—See Cr. R. 41(a), (b), (c), (e), (f), (g) and (m).

Effect of amendment. — The 1967 amendment added "or will pose a danger to other persons and the community" at the end of subsection (a), inserted "or will pose a danger to other persons and the community" in the introductory portion of subsection

(b), and added "and the safety of other persons and the community" at the end of paragraph (6) of such subsection.

Legislative committee reports.—For report on ch. 20, SLA 1966, see 1966 House Journal, pp. 110, 111. For report on ch. 112, SLA 1967 (HB 166), see 1967 House Journal, p. 339.

IN THE (SUPERIOR)(DISTRICT) COURT FOR THE STATE OF ALASKA

AT _____

() STATE OF ALASKA)
())
Plaintiff,)
vs.)
)
)
Defendant)

CASE NO. _____ CR

ORDER AND CONDITIONS OF RELEASE

IT IS ORDERED that _____, defendant, be released on the condition that he promises to appear at all scheduled hearings as required.

Upon a finding that additional conditions are necessary to assure the defendant's appearance or to protect the community, it is FURTHER ORDERED that the following conditions be imposed:

- 1. UNSECURED BOND. The defendant will execute a bond binding himself to pay the State of Alaska the sum of \$ _____ in the event he fails to appear as required. No security will be required to support the bond.
- 2. 10% DEPOSIT BOND. The defendant will execute a bond binding himself to pay the State of Alaska the sum of \$ _____ and will deposit with the court \$ _____ in cash equaling 10% of the amount of the bond.
- 3. FULL DEPOSIT OR SECURED BOND. The defendant will execute a bond in the sum of \$ _____, secured either by the undertakings of sufficient solvent sureties or by the deposit of an equal amount of cash.
- 4. THIRD PARTY CUSTODY. The defendant is placed in the custody of:

(Name of Person or Organization)

(Address) (Telephone No.)

Who agrees to:

- a) Supervise the defendant in accordance with the conditions checked;
- b) Use every effort to assure the appearance of the defendant at all scheduled hearings;
- c) Notify the Court immediately in the event the defendant violates any condition of his release or disappears.

I accept responsibility for supervision of the defendant.

DATE

CUSTODIAN (Signature)

5. PART-TIME RELEASE. The defendant will be released from _____ (a.m.)(p.m.) to _____ (a.m.)(p.m.) on _____ (days of the week) for the purpose of _____ on the condition that he return to custody at _____ each day. (Place of Imprisonment)

GENERAL CONDITIONS OF RELEASE

- Defendant shall not depart from _____ without the written permission of the court.
- Defendant shall not, during the period of release, consume any intoxicating beverage or enter any establishment where intoxicating liquors are sold.
- Defendant shall stay in his home at _____, between _____ p.m. and _____ a.m.
- Defendant shall not associate with or contact, directly or indirectly, the following persons:

- Defendant shall obey all municipal, state and federal laws and ordinances.
- Defendant shall _____

NEXT APPEARANCE

IT IS FURTHER ORDERED that the defendant shall appear at:

Address: _____

Date and Time: _____

and such other places and times as the court may order or direct.

PENALTIES

If the defendant violates any conditions of his release, a warrant for his arrest will issue immediately. After arrest, the terms and conditions of any further release will be redetermined.

If the defendant fails to appear before any court or judicial officer as required, an additional criminal case may be instituted against him. If the failure to appear is in connection with a felony charge, or while awaiting sentence appeal, or pending appeal after conviction, the penalty is a fine of not more than \$5,000 or imprisonment for not more than five years, or both. If he fails

* to appear after being released on a misdemeanor charge, the penalty is a fine of not more than the maximum provided for the misdemeanor charge, or imprisonment for not more than one year, or both.

In addition to the above penalty or instead of the above penalty, the defendant may be charged with Contempt of Court for violation of any of the conditions of his release or violation of any court order.

(SEAL)

DATE

JUDGE/CLERK

ACKNOWLEDGEMENT BY DEFENDANT

I, _____, understand the methods and conditions of my release which have been checked above and the penalties and forfeitures applicable in the event I violate any condition or fail to appear as required.

I agree to comply fully with each of the obligations imposed on my release and to notify the court promptly in the event I change the address written below. I also agree not to leave the State of Alaska without written permission of the court.

I have received a copy of this order.

DEFENDANT (Signature)

RESIDENCE ADDRESS

TELEPHONE NUMBER



Alaska State Legislature

House of Representatives

Committee on Judiciary

Pouch V
State Capitol
Juneau, Alaska 99811

Official Business

To: Charlie Parr, Chairman, and Members of the House
Judiciary Committee

From: Margaret W. Berck, Staff

Date: November 26, 1979

Subject: Report on Department of Public Safety

As a matter of courtesy, I sent a copy of my report on the Department of Public Safety to the Department for their comments and any necessary updating. Rather than providing individual comments or responses, the Department had the entire report retyped incorporating their clarifications and latest information. The Department's version of my report is attached hereto. You should note that this report includes the number of minority and women troopers. That information was not available at the time of writing my report.

To: Charlie Parr, Chairman, and Members of the House
Judiciary Committee

From: Margaret W. Berck, Staff

Date: September 13, 1979

Subject: The Department of Public Safety

I. INTRODUCTION

The Department of Public Safety (DPS) is comprised of two law enforcement divisions, the Division of Alaska State Troopers and the Division of Fish and Wildlife Protection.¹ Currently, these two Divisions have 405 commissioned officer positions. The Division of Alaska State Troopers has 291 such positions, with 17 vacancies; the Division of Fish and Wildlife Protection has 100 such positions, with 10 vacancies. In addition, 10 full and 30 training positions (30 vacancies²) are assigned to the Alaska State Trooper Academy and 4 positions (2 vacancies) are assigned to the Office of the Commissioner. Because of a maintenance budget, DPS is unable to increase these positions during fiscal year 1980. Officers assigned to either of the main two law enforcement divisions must meet the same qualifications requirements and pass the same entrance examination. Both law enforcement Divisions have the same ranking structures and rates of pay. An officer enters DPS at range 74 and, after the satisfactory completion of his or her one-year probationary period, receives a range 76 salary.³

¹Other divisions include the Division of Motor Vehicles, the Division of Administrative Services and the Division of Fire Prevention, but for the purposes of this report, remarks are limited to the two main law enforcement divisions.

²The 30 positions attached to the State Trooper Academy are funded to be filled to capacity only during periods of recruit academy sessions.

³In the Anchorage area, range 74 pays \$1829 per month; range 76 \$2119.

Officer positions with both such Divisions are located throughout the State.⁴

II. RECRUITMENT AND TRAINING

Presently, DPS is seeking to recruit more minorities and women to the force. This recruitment effort is the result of protracted negotiations with the Human Rights Commission. Since the Human Rights Commission had found that the written examination,⁵ used by DPS in its selection process, was culturally biased, a new examination was developed.⁶ This examination will be administered to applicants in October, 1979.

In order to attract large numbers of minorities and women for the October entrance examination, DPS is currently in the midst of notifying Native corporations, the Bureau of Indian Affairs, and various minorities' and women's organizations of employment opportunities with DPS. In addition, the examination will be given in the eight major cities of Alaska, as well as, any other location where there are at least three applicants desiring to take the examination. Furthermore, DPS is negotiating with the Bureau of Indian Affairs so that the Bureau might provide travel funds to any Native applicant who might have to travel to another location in order to take the examination.

DPS recognizes the need to increase the number of minority and female commissioned officers within its Divisions of State Troopers

⁴ See Appendix to this report for exact locations of officers, as well as, detachment organization.

⁵ Although DPS utilizes separate written examinations for various promotional positions, apparently the Human Rights Commission negotiations only pertained to the entrance examination.

⁶ This new entrance examination is also used by the Anchorage Police Department.

and Fish and Wildlife Protection. DPS believes the number of minority and female commissioned officers should approximately equal the percentage of minorities and females in the Alaska labor force from which commissioned officers are selected.

On October 1, 1979, the State Troopers, Fish and Wildlife Protection, the Commissioner's Office and the Academy had 376 filled commissioned positions (29 vacancies). Of these 376, thirty-eight (38) were minority or female: 10.01%.

To insure the attainment of this goal, DPS has entered into an agreement to modify the normal selection process. Normally, DPS considers on a one to five ratio. For example, if DPS had one position available, it would normally select that individual from the top five on the eligible list for the position. However, under their affirmative action plan, DPS intends to consider for selection all the minority and female applicants who appear on the eligible list under "the rule of the whole" (list). Some of those individuals may be offered positions ahead of white males even should the white males score better on the examinations. Under this process it is possible that the next group of troopers employed may be predominantly minorities and women.

In addition to the written examination, applicants for trooper positions must undergo a medical examination and a polygraph examination. Currently, psychological examinations are not required. In the past, applicants were required to submit to a psychological screening. This was conducted by a psychiatrist in Anchorage and costs \$500 per evaluation. This procedure was subsequently abandoned by DPS primarily because it found the evaluations to be useless.

Applicants who failed the psychological evaluation would seek an opinion from another psychiatrist and frequently obtain a completely different opinion. One such applicant was ultimately hired by DPS and has made a fine trooper. Despite difficulties in the past, DPS is seeking to incorporate some type of psychological evaluation in their selection process. DPS has contracted with a police psychiatrist who subjects trainees at the State Trooper Academy to simulated stress situations. Trainees are then assigned grades upon the basis of their responses. The behavior of these trainees is being traced, once they have been placed on the force, to determine if there is any correlation between the test results and on-the-job behavior. Should this test ultimately be validated, it will be incorporated in the DPS selection process.

Applicants must also take an agility test. Currently, however, the results of this test alone, would not eliminate an applicant from the selection pool. The test is not a pass/fail examination. DPS is attempting to validate this test in order that it might be established as one of their selection criteria.

Once the applicant has successfully completed the required examinations described above, together with a comprehensive background investigation, and is selected by DPS for hire, he or she must then complete the Alaska State Trooper training requirements. These training requirements must be completed prior to the end of the officer's one-year probationary period. The first portion of training is conducted at the Public Safety Academy⁷ located in Sitka. The State Trooper Recruit

⁷Although normally the State Trooper Academy has two sessions each year to accommodate the average yearly turn-over rate of 24+ officers, because of a maintenance budget for fiscal year 198. DPS intends to hold only one Academy session in 1980.

Academy consists of 13 weeks of instruction on various law enforcement subjects, including a course of Emergency Medical Technician and 40 hours on cultural sensitivity. The second portion of training consists of three months of field training. Field training is basically on-the-job training under formalized close supervision. All of this and the completion of a 12 month probationary period allows the officer to obtain a Basic Certificate and promote to Range 76.

Presently, DPS is in the midst of completely revising its "shoot and no shoot" instruction at the academy. In the past, DPS brought instructors up from Los Angeles to provide this training. However, DPS has found that there was no coordination between what was taught at the academy and what was later taught in the field. As a result of this finding, DPS intends to retrain every state trooper on this specific issue. This training will provide the officer with instruction on when he or she may grab, unstrap, draw, and aim his or her weapon. Before the officer is permitted to shoot an assailant, the assailant must present the ability and opportunity to endanger the officer or other person(s). Furthermore, the officer or other person(s) must be in actual jeopardy. It is contemplated that this training will be completed by July 1980.

III. COOPERATION AMONG LAW ENFORCEMENT AGENCIES

Alaska law⁸ requires DPS to assist other departments of the state, municipal, and federal governments in the enforcement of criminal laws and regulations pertaining to those departments. In practice, agreements between DPS and other law enforcement agencies may be either written or verbal. With municipalities, where there is concurrent law

⁸See AS 18.65.090; see also 18.65.060 and AS 18.65.080.

enforcement jurisdiction between the Alaska State Troopers and local law enforcement officers, most of the agreements are verbal. An example of coordination between the Alaska State Troopers and a municipal police department is the Metro Unit in Anchorage. This is a combined city-state drug enforcement unit. Furthermore, combined state-federal law enforcement efforts are also usually of an informal nature. Alaska State Troopers will frequently coordinate investigation efforts with federal agencies in the drug enforcement area, as well as, violent crimes, such as bank robberies.

The Fish and Wildlife Protection Division of DPS contracts with NOAA in order to enforce fish and game laws in the crab fishery beyond the three mile limit. This contractual relationship permits officers from both agencies to deputize each other to facilitate this joint law enforcement effort.

DPS enforces state criminal laws both inside and outside the National Monuments. The Division of Fish and Wildlife Protection does not enforce National Wildlife or National Park regulations inside the monuments, but it is responsible for enforcing state fish and game laws inside the USFS Admiralty Island and Misty Fiords monuments. A copy of DPS policy on this issue is attached at the conclusion of this report.

Although these cooperative arrangements exist with respect to other law enforcement agencies, Commissioner Nix contends that there is not enough cooperation between police, prosecutors, courts and corrections to develop a cohesive strategy for curbing Alaska's increasing crime situation.

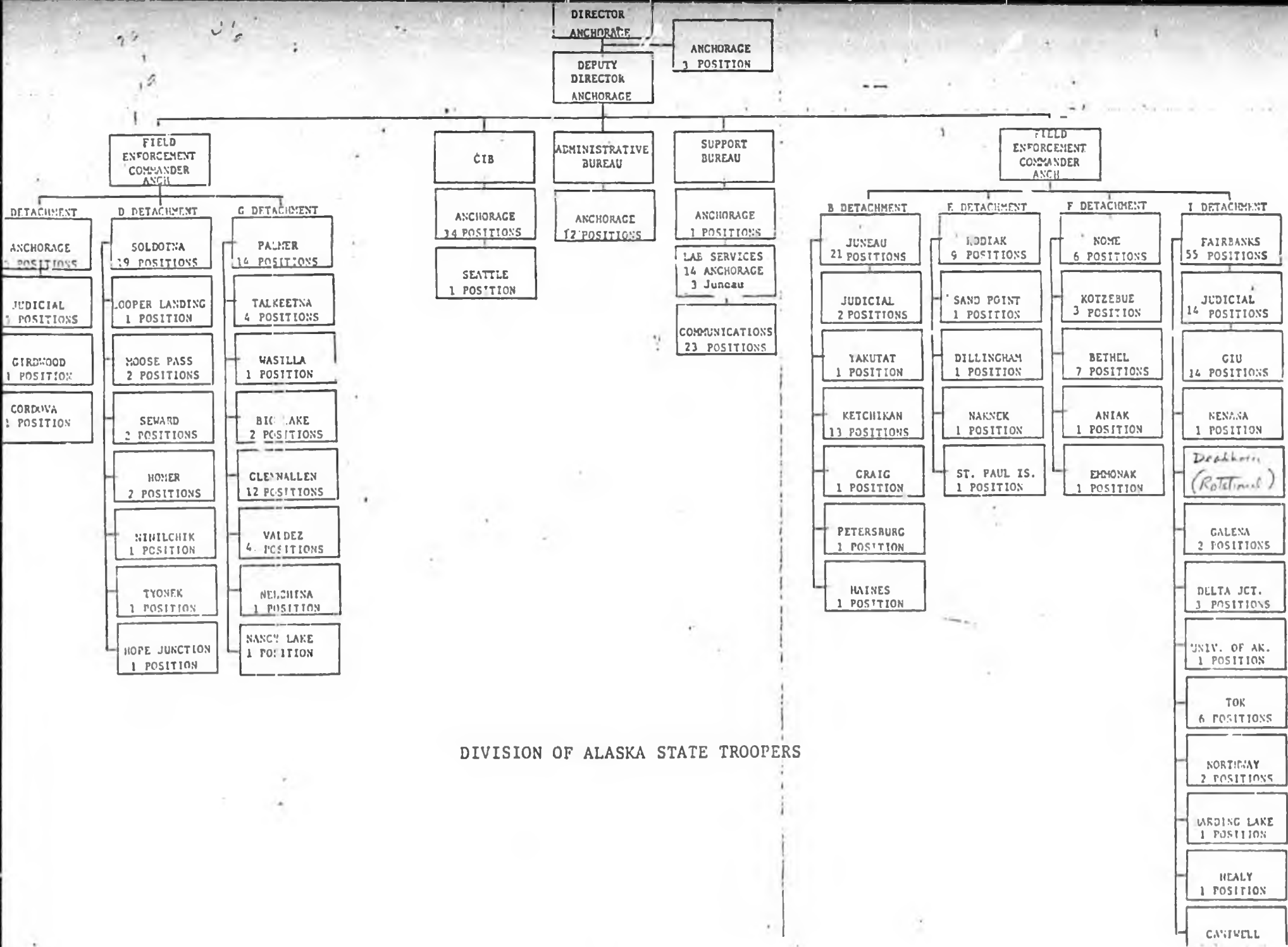
DPS is moving gradually in the direction of becoming a state

police force. DPS desires not to duplicate services in the urban areas. Recently, in line with this philosophy, law enforcement in the Anchorage bowl area was made primarily the responsibility of the Anchorage Police Department. Although DPS believes that combined state-local law enforcement efforts are necessary, it would like to reduce the level of its involvement in, for example, the Metro Unit in order that better services might be had in the bush. Response time for major crimes in rural Alaska is presently five days. The DPS hopes to reduce this response time to three days in the coming year.

IV. DPS PRIORITIES

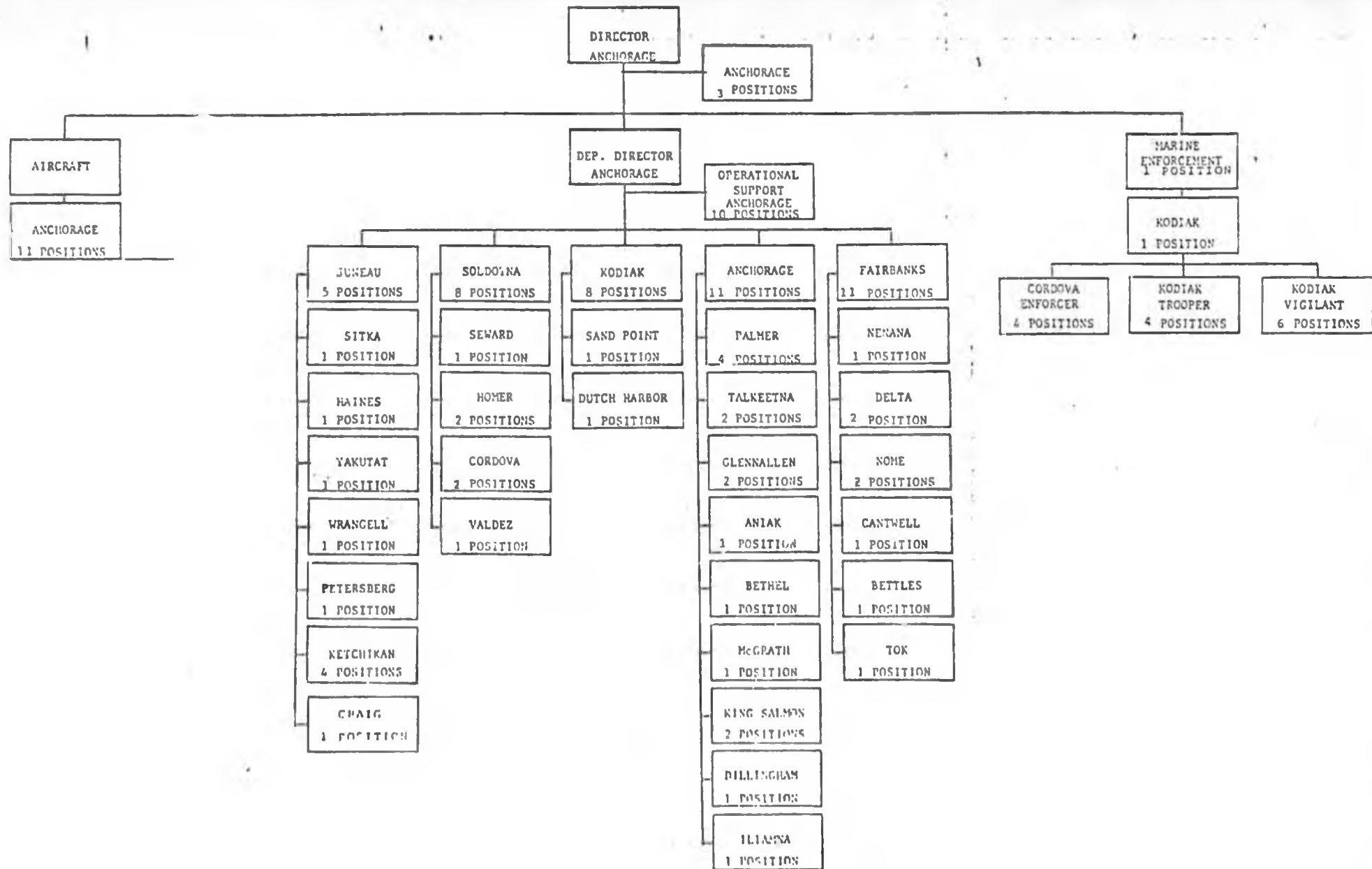
DPS law enforcement priorities are first, protecting life; second, protecting property; and third, protecting resources. Aside from these basics, the DPS does not make selective enforcement decisions, nor does the DPS believe that such decisions would be good public policy.

Although specialized units, such as fraud, drug traffic, and criminal investigation exist within the Division of Alaska State Troopers, should the DPS budget require a reduction of officer positions, a generalist would be kept over a specialist. This management position is a result of the DPS philosophy not to engage in selective law enforcement.



DIVISION OF ALASKA STATE TROOPERS

DIVISION OF FISH & WILDLIFE
PROTECTION



JP04 0245 16.48 JP04 0298 16.49 08/02/79

SP04 COL. ANDERSON
SP08 COL. WOLDSTAD

REFERENCE NEW PARKS AND MONUMENTS

STATE CRIMINAL LAW: WE WILL CONTINUE TO RESPOND TO, INVESTIGATE AND ASSIST IN THE PROSECUTION OF REPORTED VIOLATIONS OF THE STATE CRIMINAL LAWS BOTH INSIDE AND OUTSIDE OF THE NEW FEDERAL MONUMENTS. THE EXCEPTION TO THIS WILL BE "OLD MT. MCKINLEY PARK" WHEREIN THE NATIONAL PARK SERVICE RETAINS EXCLUSIVE JURISDICTION. PERSONS REPORTING VIOLATIONS OF FEDERAL MONUMENT REGULATIONS, AND ANY SUCH VIOLATIONS OBSERVED BY OUR OFFICES WILL BE DIRECTED OR RELAYED TO THE APPROPRIATE FEDERAL ENFORCEMENT AGENCY.

NATIONAL FOREST SYSTEM MONUMENTS OF ADMIRALTY ISLAND AND MISTY FORDS: FISHING, HUNTING, TRAPPING AND SUBSISTANCE WILL CONTINUE (AT LEAST UNTIL DECEMBER 1981) UNDER ALASKA STATE LAW AND THE JURISDICTION OF A D F & G. WE WILL CONTINUE TO ENFORCE STATE WILDLIFE AND FISHERIES RESOURCE REGULATIONS WITHIN THE TWO MONUMENTS AS ON OTHER NATIONAL FOREST AREAS.

IN NATIONAL PARKS 13 MONUMENTS AND U S F W L 2 MONUMENTS I ASK THAT F W L P CONTINUE, FOR THE PRESENT, UNDER INSTRUCTIONS FROM COL. WOLDSTAD'S MEMO DATED JULY 20, 1979. WHEN WE HAVE WORKED OUT A FULL POSITION IN THIS QUESTIONABLE AREA WE WILL LET YOU KNOW. SPORT TAKE AND SUBSISTANCE ARE STILL PROBLEMS.

JP03 DEP. COMM. SYDNAM

SA

November 1, 1979

Troopers:

White Females	12
Black Males	3
Spanish Males	3
American Indian Males	6
Eskimo Males	5

Constables:

American Indian Males	3
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Protection Aides:

White Female	1
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Corporals:

Eskimo Males	1
Other Male	1

First Sergeant:

Eskimo Males	1
--------------	---

Lt.:

Black Male	1
------------	---

Captain:

American Indian Male	1
----------------------	---

TOTAL: 38

STATE OF ALASKA

JAY S. HAMMOND, GOVERNOR

ALASKA POLICE STANDARDS COUNCIL

POUCH AS
JUNEAU, ALASKA 99811
PHONE: (907) 465-4378

October 4, 1979

Margaret W. Berck
Counsel to the House Judiciary Committee
Alaska State Legislature
Pouch V
Juneau, Alaska 99811

Dear Ms. Berck:

Thank you for returning our Regulations and Procedures Manual and the opportunity to review your report to the House Judiciary Committee.

Generally, I thought your report to be an excellent summary of the council's purpose, responsibilities and activities; however, I would like to bring to your attention and clarify some areas that might lead to a misunderstanding by the Judiciary Committee.

II. JURISDICTION OF THE APSC

1. A municipality with an established police training program may exclude itself, by ordinance, from our minimum requirements, but only if its program meets or exceeds APSC minimum standards.

2. There is an inconsistency between our statutes, which mention "temporary officers," and our current regulations, which have authority only over "full time police officers." Major police departments in Alaska do not hire temporary officers. They are found in the rural areas where a person is hired as a full time police officer for a specific limited period of time. We hope to reach some, if not all, of these officers with the adoption of rural police regulations.

IV. MINIMUM TRAINING REQUIREMENTS FOR POLICE OFFICERS

Although our regulations require a minimum hours of firearms instruction, in actuality, students the

Letter to Ms. Berck

Page 2

Municipal Police Academy receive 27 hours of firearms training, plus 6 hours of "shoot/don't shoot" instruction.

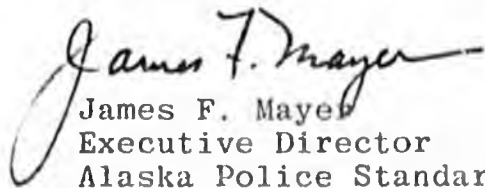
The latter is, of necessity, general in nature, since each individual police department has its own specific policy in these situations, which is imparted to the officer during the field training program. There is no way to predict the reaction of any individual in an emergency situation, regardless of the amount of training received.

VI. VILLAGE POLICE OFFICERS

Without an explanation, the term "ignored" seems to imply a lack of concern. The council is, and has been, fully cognizant of the problems faced by rural municipalities in obtaining officers who meet the current minimum standards, and any attempt to force compliance through civil process would be counterproductive to the council's purpose of supporting and encouraging police training. Over 40% of the students attending the recent Municipal Police Academies have been from communities considered rural, and while the Department of Public Safety has historically provided police training to the villages, the council will provide an incentive for the rural areas to take advantage of all available training through its proposed village police certification program.

I hope you will provide this information to your committee for their information and clarification. If there is any other information you think might be of assistance, please let me know.

Sincerely,



James F. Mayer
Executive Director
Alaska Police Standards Council

JFM/mas

encl: MPA-15 schedule

STATE OF ALASKA

OFFICE OF THE GOVERNOR

CRIMINAL JUSTICE PLANNING AGENCY

JAY S. HAMMOND, GOVERNOR

POUCH AJ - JUNEAU 99811
PHONE 465 3530

TO: Recipients of "Crime in Alaska - 1978"

An error was recently discovered in "Crime in Alaska - 1978". Because it is essential that we provide accurate information, we felt that you should be notified immediately of the error.

The error appears on page 7 of the report in the table entitled "Alaska's Ranking Among the Fifty States - 1977". The table shows that Alaska's rape rate was 4th in the nation. This number should be changed to a "1", as Alaska actually had the largest rape rate during 1977.

Sincerely,

Susan E. Knighton

Susan E. Knighton
Research Analyst



Official Business

Alaska State Legislature

House of Representatives

Committee on Judiciary

Pouch V
State Capitol
Juneau, Alaska 99811

1016 W. 6th, Suite 201
Anchorage, Ak. 99501

Telephone 277-7548

November 7, 1979

Donna C. Willard
President
Alaska Bar Association
P.O. Box 279
Anchorage, Ak. 99510

Dear Ms. Willard:

Upon receipt of your letter of September 17, 1979, the House Judiciary Committee requested the Legal Division of the Legislative Affairs Agency to provide a legal opinion as to the current status of the Alaska Bar Association. A copy of that legal opinion will be furnished to the Alaska Bar Association for its response.

However, pursuing your offer of cooperation, the House Judiciary Committee is submitting the enclosed informational requests pursuant to its obligations under the sunset law, AS 44.66.010, et. seq., and pursuant to its general authority and powers as a standing legislative committee.

The purpose of the informational request is to familiarize the House Judiciary Committee with the organization, operation and programs of the Alaska Bar Association as well as its regulation and control of the legal profession in Alaska. Obtainment of this information in advance of the upcoming public hearings required by the sunset law will greatly enhance the effectiveness of those hearings.

The following questions are intended to illicit non-confidential information in accordance with your letter of September 17, 1979. All the requests are made for information not contained in statutes, Alaska Bar rules or ethical codes. Since the Alaska Bar Association is scheduled for sunset review every four years, unless an earlier review is mandated, data spanning the last four years is relevant.

As the 1980 legislative session commences on January 14, 1980, the House Judiciary Committee requests that the information solicited be provided on or before that date.

Should you desire to meet with me concerning any specific request or to discuss the issue in general, please feel free to contact our Anchorage office. Our office in Anchorage will be maintained throughout the month of November.

Sincerely yours,

Margaret W. Berck

Margaret W. Berck,

Counsel to the House Judiciary Committee



Alaska State Legislature

House of Representatives

Committee on Judiciary

Official Business

Pouch V
State Capitol
Juneau, Alaska 99811

November 7, 1979

Donna C. Willard
President
Alaska Bar Association
P.O. Box 279
Anchorage, Ak. 99510

Dear Ms. Willard;

The House Judiciary Committee, pursuant to its obligations under the sunset law, AS 44.66.010, et. seq., and pursuant to its general authorities and powers as a standing committee of the Alaska State Legislature, requests the following information from the Board of Governors of the Alaska Bar Association:

1. How many attorneys are admitted to practice law in the State of Alaska, excluding those who are practicing on a waiver?
2. How many attorneys are practicing law on a waiver for Alaska Legal Services Corporation?
3. How many attorneys are practicing law on a waiver for the United States Armed Forces Expanded Legal Assistance Program?
4. What is the total number of attorneys practicing law in the state pursuant to a waiver?
5. How many legal interns are certified in the State of Alaska?
6. How many active members of the Alaska Bar Association are there?
7. How many inactive members of the Alaska Bar Association are there?
8. How many judicial members of the Alaska Bar Association are there?
9. How many honorary members of the Alaska Bar Association are there?

10. How many active members of the Alaska Bar Association are women and how many women were active members in 1976, 1977 and 1978?

11. How many active members of the Alaska Bar Association are Natives and how many Natives were active members in 1976, 1977 and 1978?

12. How many members of the Alaska Bar Association are black and how many blacks were active members in 1976, 1977, and 1978?

13. How many active members of the Alaska Bar Association are Hispanic and how many hispanics were active members in 1976, 1977 and 1978?

14. How many active members of the Alaska Bar Association are Asian and how many Asians were active members in 1976, 1977 and 1978?

15. What steps has the Alaska Bar Association taken to increase membership of women and minorities?

16. What steps has the Alaska Bar Association taken to implement any of the recommendations contained in the 1979 report from the association's Committee on Legal Educational Opportunities?

17. List all standing committees of the Alaska Bar Association?

18. What are the powers, duties and functions of the Alaska Bar Association's standing committees?

19. Furnish all annual reports from the Alaska Bar Association's standing committees for the years 1976, 1977 and 1978.

20. Furnish all reports issued by the special committee established by the Alaska Bar Association to study and evaluate the Alaska bar exam.

21. Briefly describe all continuing legal education programs in 1976, 1977, 1978 and 1979.

22. How many ethics opinions did the Alaska Bar Association render in 1976, 1977, 1978 and 1979?

23. Briefly describe the legislative programs of the Alaska Bar Association in 1976, 1977, 1978 and 1979.

24. Briefly describe the Alaska Bar Association's lawyer referral system.

25. List the dates and locations of all meetings of the Board of Governors of the Alaska Bar Association for 1976, 1977, 1978 and 1979.
26. What type of public notice is provided for meetings of the Board of Governors of the Alaska Bar Association?
27. How many non-attorney agencies or groups were notified by the Alaska Bar Association of its consideration of a proposed bar rule amendment to define the practice of law?
28. How many non-attorney individuals were notified by the Alaska Bar Association of its consideration of a proposed bar rule amendment to define the practice of law?
29. Provide the position title, duties and powers as well as salaries and fringe benefits of all paid staff positions within the Alaska Bar Association for 1976, 1977, 1978 and 1979.
30. What is the turn-over rate for each of the positions?
31. Furnish copies of the Alaska Bar Association's budgets for 1976, 1977, 1978 and 1979.
32. Furnish copies of all financial audits of the Alaska Bar Association conducted in 1976, 1977, 1978 and 1979.
33. Furnish a copy of the budgets for the Bar Rag for 1978 and 1979.
34. Provide the source, purpose and amount of all state funds obtained by the Alaska Bar Association during 1976, 1977, 1978 and 1979.
35. Provide the total travel and per diem expenses paid by the Alaska Bar Association to members of the Board of Governors in 1976, 1977, 1978 and 1979.
36. Provide the total travel and per diem expenses paid by the Alaska Bar Association to individuals, other than members of the Board of Governors, for 1976, 1977, 1978 and 1979.
37. Furnish a copy of the profit and loss statement for the mid-winter Hawaii Convention prepared by V. Goodrow on August 27, 1979.
38. Provide the total income derived from applications for admissions to the Alaska Bar Association in 1976, 1977, 1978 and 1979.

39. What was the total expense of the admission procedures of the Alaska Bar Association, excluding the cost of any court litigation arising therefrom, for 1976, 1977, 1978 and 1979?

40. What was the total cost of the admission procedures of the Alaska Bar Association, including the cost of any court litigation arising therefrom, for 1976, 1977, 1978 and 1979?

41.. Provide the total amount of funds expended by the Alaska Bar Association for court litigation in 1976, 1977, 1978 and 1979, including the case name, docket number, brief discription of the issues involved, whether the case was appealed to the Supreme Court and the final disposition. Additionally, it should be noted if the Alaska Bar Association was assessed attorney's fees and costs pursuant to Rule 82 or if the Alaska Bar Association was able to recover a portion of its attorney's fees and costs pursuant to that rule.

42. Furnish a copy of the application form which the Alaska Bar Association requires all applicants for admission to complete.

43. Briefly describe what comprises the Alaska Bar Association examination for attorney applicants.

44. Briefly describe what comprises the Alaska Bar Association examination for general applicants.

45. What was the total number of general applicants who took the spring Alaska Bar examination in 1976, 1977, 1978 and 1979?

46. What was the total number of general applicants who passed the spring Alaska Bar examination for 1976, 1977, 1978 and 1979?

47. What was the total number of general applicants who took the summer Alaska Bar examination in 1976, 1977, 1978 and 1979?

48. What was the total number of general applicants who passed the summer Alaska Bar examination in 1976, 1977, 1978 and 1979?

49. What was the total number of attorney applicants who took the spring Alaska Bar examination in 1976, 1977, 1978 and 1979?

50. What was the total number of attorney applicants who passed the spring Alaska Bar examination in 1976, 1977, 1978 and 1979?

51. What was the total number of attorney applicants who took the summer Alaska Bar examination in 1976, 1977, 1978 and 1979?

52. What was the total number of attorney applicants who passed the summer Alaska Bar examination in 1976, 1977, 1978 and 1979?

53. What was the total number of females, Alaska Natives, blacks, Hispanics and Asians who as general applicants took the spring Alaska Bar Examination for the years 1976, 1977, 1978 and 1979?

54. What was the total number of females, Alaska Natives, blacks, Hispanics and Asians who as general applicants passed the spring Alaska Bar examination for the years 1976, 1977, 1978 and 1979?

55. What was the total number of females, Alaska Natives, blacks, Hispanics and Asians who as general applicants took the summer Alaska Bar examination for the years 1976, 1977, 1978 and 1979?

56. What was the total number of Alaska Natives, females, blacks, Hispanic and Asians who as general applicants passed the summer Alaska Bar examination for the years 1976, 1977, 1978 and 1979?

57. What was the total number of females, Alaska Natives, blacks, Hispanics and Asians who as attorney applicants took the spring Alaska Bar examination for the years 1976, 1977, 1978 and 1979?

58. What was the total number of females, Alaska Natives, blacks, Hispanics and Asians who as attorney applicants passed the spring Alaska Bar examination for the years 1976, 1977, 1978 and 1979?

59. What was the total number of females, Alaska Natives, blacks, Hispanics and Asians who as attorney applicants took the summer Alaska Bar examination for the years 1976, 1977, 1978 and 1979?

60. What was the total number of females, Alaska Natives, blacks, Hispanics and Asians who as attorney applicants passed the summer Alaska Bar examination for the years 1976, 1977, 1978 and 1979?

61. Who is the Alaska Bar Association disciplinary administrator?

62. Distinguish between the type of complaints which are referred to a hearing committee as opposed to those complaints which are referred to a conciliator.

63. Provide a copy of the "Request for Investigation" form which is currently utilized by the Alaska Bar Association as well as copies of any previous forms used for this purpose.

64. Furnish copies of all original disciplinary reports prepared for the Alaska Supreme Court during the years 1976, 1977, 1978 and 1979.

65. Furnish copies of any revised disciplinary reports prepared for the Alaska Supreme Court during the years 1976, 1977, 1978 and 1979.

66. Provide an explanation for any revision of a disciplinary report prepared for the Alaska Supreme Court for the years 1976, 1977, 1978 and 1979.

67. Provide a copy of the card index on discipline, indicating the type of case, disposition, whether or not appealed, the disposition if appealed to the Alaska Supreme Court.

68. For the years 1976, 1977, 1978 and 1979, furnish statistical data reflecting:

a. The types of complaints against attorneys received and acted upon;

b. The types of investigations conducted and the results thereof;

c. The procedural steps taken with respect to each type of complaint processed and the ultimate disposition of each such action;

d. The number of times any member of the Alaska Bar Association subject to the Alaska Bar rules has been the subject of a complaint or investigation, the type of complaint or investigation in which each such attorney was the subject, the dates on which each procedural step was taken with respect to each such complaint or investigation and the ultimate disposition of each such action with respect to each such attorney;

69. Provide the total number of complaints against attorneys received by the Alaska Bar Association for the years 1976, 1977, 1978 and 1979.

70. Provide the total number of attorneys who were disciplined for the years 1976, 1977, 1978 and 1979.

71. What was the total number of attorneys who were the subject of a private admonition by the Alaska Bar Association disciplinary administrator for the years 1976, 1977, 1978 and 1979?

72. What was the total number of attorneys who were the subject of a private reprimand during the years 1976, 1977, 1978 and 1979?

73. What was the total number of attorneys who were the subject of a public censure during the years 1976, 1977, 1978 and 1979?

74. What was the total number of attorneys who were suspended from the practice of law during the years 1976, 1977, 1978 and 1979?

75. What was the total number of attorneys who were disbarred from the practice of law during the years 1976, 1977, 1978 and 1979?

76. From the date of the initiation of the complaint, how long did it take the Alaska Bar Association to resolve disciplinary actions filed in 1976, 1977 and 1978?

77. Are records maintained on previous disciplinary complaints against an attorney regardless of whether such complaints are ultimately dismissed?

78. What percentage of disciplinary complaints were filed against an attorney by a client of such attorney during the years 1976, 1977, 1978 and 1979?

79. What percentage of disciplinary complaints were filed by the Alaska State Bar Association disciplinary administrator during the years 1976, 1977, 1978 and 1979?

80. What percentage of disciplinary complaints were filed against an attorney by an individual living in Alaska, but not within Anchorage, Fairbanks, Ketchikan, Sitka or Juneau, for the years 1976, 1977, 1978 and 1979?

81. What was the total number of attorneys who have been disciplined for observing misconduct on behalf of another attorney and failing to report such conduct during the years 1976, 1977, 1978 and 1979?

82. What was the total number of judges who have been disciplined for observing misconduct on behalf of a lawyer and failing to report such during the years 1976, 1977, 1978 and 1979?

83. What percentage of requests for investigation were determined to be inadequate, incomplete or insufficient to warrant further attention of the Board of Governors during the years 1976, 1977, 1978 and 1979?

84. What percentage of disciplinary complaints were filed against an attorney by another attorney for the years 1976, 1977, 1978 and 1979?

85. What percentage of disciplinary complaints were filed against an attorney by a judge or magistrate during the years 1976, 1977, 1978 and 1979?

86. What was the total number of requests for investigation which were referred to the fee arbitration panel for the years 1976, 1977, 1978 and 1979?

87. Furnish factual summaries, without reference to either parties by name, of each fee arbitration dispute which was concluded in 1976, 1977, 1978 and 1979.



Alaska State Legislature

House of Representatives

Committee on Judiciary

Pouch V
State Capitol
Juneau, Alaska 99811

Official Business

To: Charlie Parr, Chairman, and Members of the House
Judiciary Committee

From: Margaret W. Berck, Staff

Date: November 26, 1979

Subject: Bail System

I. INTRODUCTION

The Alaska Constitution, Art. I, Sec. 11, provides that the accused in criminal prosecutions is "entitled to be released on bail, except for capital offenses when the proof is evident or the presumption great...." Thus, except in certain capital cases, adult criminal defendants in Alaska have a constitutional right to bail. Since there are no capital offenses in Alaska at this time, every criminal offense carries the right to bail. This right to pre-trial freedom springs from the presumption of innocence, fundamental to the criminal justice system. The purpose of bail is to assure the defendant's appearance at trial. Excessive bail may not be imposed under both the Alaska, Art. I, Sec. 12, and United States, Eighth Amendment, Constitutions.

II. BAIL SCHEDULES

Each judicial district in the state is required by Supreme Court order to adopt misdemeanor bail schedules. Copies of those misdemeanor

bail schedules, together with the Supreme Court order, are attached to this report. In addition to misdemeanor bail schedules, each judicial district also has traffic bail schedules. Furthermore, two judicial districts, the Second Judicial District and the First Judicial District, have adopted felony bail schedules.

Bail schedules are utilized by jailors in order that accused individuals might be released pending their arraignment. Such releases are granted on a cash deposit basis and the accused individual is entitled to telephone friends or relatives in order to obtain the necessary cash. Unless unusual circumstances exist, such releases are granted by jailors without additional judicial intervention or approval. If unusual circumstances exist involving questions of public safety or protection, scheduled bail amounts do not apply and a judicial officer must be contacted. Furthermore, scheduled bail amounts do not apply and a judicial officer must be contacted at the request of the accused if the accused is immediately unable to post the scheduled amount and circumstances exist indicating that his appearance can be assured by other means. Judicial officers include magistrates as well as District and Superior Court judges.

III. JUDICIAL PROCEEDINGS REGARDING BAIL

A person who is charged with an offense and detained in jail must be brought before the nearest available magistrate or judge without unnecessary delay. Unnecessary delay is defined as a period not to exceed 24 hours after arrest, including Sundays and holidays. Alaska Rules of Court, Criminal Rule 5.

At this first judicial proceeding, the judicial officer shall admit the accused to bail as provided by law. Alaska Statutes, AS 12.30.010,

et. seq., provide that the judicial officer must release the accused on his own personal recognizance or upon the execution of an unsecured appearance bond in an amount to be determined by the judicial officer unless the judicial officer finds that such release will not adequately assure the accused's appearance at trial or would pose a danger to the community. If the judicial officer makes such a determination, the judicial officer may release the accused under various conditions enumerated in the law, AS 12.30.020, a copy of which is attached hereto.

The accused is entitled to have the conditions of his bail reviewed if he remains in custody 48 hours after this first judicial appearance because of his inability to make bail. If review is requested, the judicial officer must set out in writing the reasons for requiring the conditions imposed. If the accused remains in custody after this initial review, he is entitled to move the court having jurisdiction over the offense to amend the conditions of bail. Should either the district or superior court, whichever is applicable, uphold the conditions of bail, the accused is then entitled to appeal the matter to the appropriate appellate court. AS 12.30.020, AS 12.30.030.

IV. COMMITTING MAGISTRATES IN ANCHORAGE

Bail determinations in Anchorage, unlike any other town in Alaska, are made by committing magistrates. There are five committing magistrates in Anchorage. These magistrates are available 24 hours each day. Unlike rural magistrates, committing magistrates must have a law degree. The function of the committing magistrates is to set bail within a few hours of arrest in order to reduce the overcrowding of jail facilities in Anchorage.

Although proceedings before the committing magistrates are conducted in the jail facilities, they are formal judicial proceedings which are electronically recorded. Both the defendant and a law enforcement officer are present. The testimony sought from the law enforcement officer includes the defendant's criminal record or history, if any.

In determining the conditions of bail, committing magistrates have as a reference the misdemeanor bail schedule for the Third Judicial District, but they are not bound by those scheduled amounts. Committing magistrates are authorized to release individuals on their own recognizance and frequently grant such releases in misdemeanor cases. A copy of the form "Order and Conditions of Release" utilized by the committing magistrates is attached hereto. That order indicates the full range of bail conditions, which include: release on personal recognizance, Unsecured Bond, 10% Deposit Bond, Full Deposit or Secured Bond, and Third Party Custody.

THE SUPREME COURT OF THE STATE OF ALASKA

ORDER NO. 30

Temporarily Requiring the
Adoption of Misdemeanor
Bail Schedules in Local
Communities.

IT IS ORDERED:

1) Until further order of this Court, the Presiding Judge of each judicial district shall forthwith adopt a misdemeanor bail schedule for use in each community within his district in which there are facilities for overnight pre-trial detention of more than twelve persons. The Presiding Judge may adopt a misdemeanor bail schedule for use in other communities in his district.

2) Before adopting a schedule for a community, the Presiding Judge shall consult with the judicial officers in that community who regularly set bail in misdemeanor cases.

3) An order adopting a bail schedule must provide that the scheduled bail amount shall not apply and a judicial officer shall be contacted in any case in which unusual circumstances exist involving questions of protection of the public.

4) An order adopting a bail schedule must provide that the scheduled bail amount shall not apply and a judicial officer shall be contacted at the defendant's request if the defendant is immediately unable to post the scheduled amount in any case in which circumstances exist indicating that the defendant's appearance in court can be reasonably assured by one of the following:

- (a) release on personal recognizance;
- (b) release on other appropriate conditions;
- (c) the execution of an unsecured appearance bond in an amount equal to or less than the scheduled bail amount, and the deposit in cash or other security of not more than 10 per cent of the amount of the bond; or
- (d) the execution of a bail bond in an amount less than the scheduled bail amount, secured by cash or other solvent sureties.

5) Each Area Court Administrator, or the Presiding Judge in those judicial districts not having an Area Court Administrator, shall cooperate with state and local law enforcement personnel in his district to encourage the use of citations as authorized by AS 12.25.180 and Criminal Rule 3.

DATED: May 24 1978

EFFECTIVE DATE: May 24 1978

Robert Boecher
Chief Justice

James A. Mahoney
Justice

Roger G. Connor
Justice

William W. White
Justice

I dissent from the adoption of this order for the reason that I am not satisfied that this Court has jurisdiction to require or authorize bail schedules.

Edmund T. Burke
Justice

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