

ALASKA LEGISLATURE COMMITTEE FILES 1987-1988 8672

4686 HJUD HB 224 - HB 229

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# CONCERNED ALLIANCE OF RESPONSIBLE EMPLOYERS

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Mr. Chairman and members of the subcommittee, I am Cynthia Grantz, president and chairman of the board of Rockford Coatings Corporation, a manufacturing firm in Rockford, Illinois, which employs 89 people. I am testifying today on behalf of the Concerned Alliance of Responsible Employers, CARE; the National Association of Manufacturers; and the National Federation of Independent Businessess. CARE is a coalition of 140 organizations, which is actively seeking to preserve the voluntary system of benefit structuring which allows employees and employers to determine which benefits are best suited for their individual and mutual needs. Overall, CARE's members directly represent a wide range of businesses and professionals, including manufacturing and service sectors, wholesaler-distributors, retailers, the food and restaurant industry, personnel administrators and hundreds of thousands of small to mid-size firms across the country.

The National Association of Manufacturers (NAM) is an organization of 13,500 corporations -- 80 percent of which are small business -- located in every state and involved in the spectrum of manufacturing enterprises. NAM members employ 85 percent of the nation's industrial workers and produce more than 80 percent of the nation's manufactured goods. NAM is affiliated

with an additional 158,000 businesses through its Associations Council and the National Industrial Council.

The National Federation of Independent Businesses (NFIB) is the nation's largest small-business organization, representing more than 500,000 small and independent enterprises. NFIB's legislative positions are set through membership polling; eight out of ten NFIB members oppose mandated parental leaves.

On behalf of all the members of CARE, NAM and NFIB, I would like to thank you for this opportunity to express our opinion on federally mandated family leave policies.

#### I. Introduction

CARE's member organizations strongly support company programs to assist workers in meeting their dual work-family responsibilities, and encourage employers to seek innovative solutions to problems working parents encounter. CARE recognizes that the retention of experienced, trained workers is important to compete effectively in a global marketplace and encourages employers to explore all avenues of change and accommodation to that end. CARE believes the private sector is best equipped and provides the most flexible and efficient response to the changing demands and requirements of its workforce, and encourages Congress to protect the voluntary, private enterprise system which allows maximum latitude for both employees and employers.

As more workers with family responsibilities enter the workforce, companies have implemented programs designed to assist workers in meeting their dual work-family responsibilities. Among such programs are (1) alternative work schedules including flextime, voluntarily reduced workweeks, job-sharing and part-time employment; (2) child and dependent care programs such as on-site or near-site day care, day care subsidies and child care vouchers; (3) employee assistance programs; (4) flexible benefit plans, cafeteria-style benefit plans which allow workers to choose those benefits most suited to their particular needs; (5) family leave policies; and (6) information and referral programs.

The types and feasibility of such programs differ for each employer, based on a variety of factors such as the type of industry, size and skill of the workforce, individual workforce needs, competing standards in the industry and the ability to assume costs.

For example, small employers typically institute vacation and sick leave benefits first. Then, as their profitability increases, health insurance is the next most widely offered -- and desired -- benefit. Yet, the number one problem for small employers, according to an NFIB survey, is the cost of health insurance. Legislating new benefits and requiring benefit coverage at employer cost during extended leave periods will only exacerbate this problem. In August, the White House Conference on Small Business selected mandated benefits as the number two priority issue, second only to liability insurance. Small

businesses expand benefit coverage as their profitability increases; nowhere is this fact recognized in this legislation.

CARE opposes legislation that would mandate across-the-board requirements that ignore the very real differences among businesses, their workforces and changing economic and business climates. The family and medical leave bills, H.R. 925 and H.R. 284, would seriously undermine many business operations, particularly smaller concerns that may find it impossible to hold open a position for the leave periods mandated in these bills. The legislation would result in additional costs and hamper productivity. As a consequence, businesses may be forced to scale back or drop other needed and desired benefits. Without a doubt, this legislation will severely limit this country's greatest job generators -- small business.

The major share, 70 to 80 percent, of all new job creation in this nation today comes from the small-business sector. At a time when the President and Congress have widely acknowledged that our nation is teetering on the brink of losing its competitiveness, to place additional requirements such as mandated family leave upon business is unimaginable and most certainly unwise. European economies burdened with mandated benefits are generating fewer jobs, have higher levels and longer periods of unemployment and typically boost their productivity by adding more capital rather than labor.

Family leave policies are excellent benefits but an extended leave policy is only one benefit option among many that can be instituted to help workers with their family responsibilities. Benefits and policies to help working families are important to employers because they are becoming increasingly important to their workforces. They are valuable recruitment and retention tools, and as the workplace evolves, more and more employers will formally implement work-family policies.

## II. Effects of Legislation.

Companies today are faced, as never before, with the challenge of improving productivity and controlling costs. The costs that would be incurred with this legislation are not consistent with the emphasis Congress is placing on competitiveness and economic growth.

Because the leave periods stipulated in these bills are unpaid, a casual analysis would lead one to believe these bills are cost-free. Nothing could be further from the truth. One of the obvious costs of the proposal is in advertising for, obtaining and training replacement personnel for those employees on leave. Even large companies are segmented into small work groups where the absence of as few as one or two employees could critically affect the group's performance.

Replacing employees for a leave period is often inefficient because there is not enough time available for adequate training

and consequently the work performance is substandard. If an employee cannot be found or it is impracticable to hire a replacement, the additional workload must be assumed by coworkers and overtime costs are incurred. In the case of highly specialized positions, temporary replacements may be impossible to find.

In addition, there are other costs such as unemployment insurance taxation. As employers are forced to dismiss temporary employees when the regular employee returns to work, unemployment taxation costs will increase. In fact, in all but 14 states, an employee working the temporary family leave period would be eligible for unemployment insurance based solely on an 18 week period.

In this debate, attention has been drawn to a comparison of family policies among industrialized nations, and much has been made of the lack of policy in the United States. The whole picture must be examined prior to making hasty judgements. Consider that pay and benefits for American workers are among the highest in the world and the U.S. continues to be a marvel of job creation, particularly in the small business sector. European countries, on the other hand, have had no net job creation since 1975, and unemployment continues in the double digit range.

Across-the-board mandates are based on erroneous assumptions. In fact, (1) all businesses are not alike (2) economic and business climates are not stable (3) all employee needs are not the same

(4) and the costs of mandated family leaves will limit the availability of other benefits.

Congress is attempting to micro-manage the nation's businesses, while refusing to accept the burdens of inflexibility itself. Employers need the flexibility to tailor benefit and wages to market demands and individual workforces. In any event, the most important employee benefit is a paycheck. For example, a Massachusetts bank recently tried to attract employees with a generous benefit package. The effort failed. Trying another tactic, the bank then costed out the benefits and increased the wages offered. They were inundated with applicants!

### III. Rockford Coatings Corporation.

I am president and chairman of the board of Rockford Coatings Corporation, a family business founded by my late husband's grandfather in 1906. The company manufactures industrial paints and coatings for manufacturers of primarily metal products, such as lawn and garden equipment, metal shelving, furniture and fixtures and aluminum extrusions. We are a job shop in that each formula is developed to customer specifications and all our paint is manufactured per customer order. The company operates plants in Rockford, Illinois and St. Louis, Missouri.

Paint has become highly technical in recent years, not only because of the demand for improved quality and performance, but also because of EPA regulations for solvent emissions in the

workplace and the on-going culling out of suspected health hazards in chemical products. The paint we make goes directly on our customer's line and is an integral part of his manufacturing process. Because of this, there is great demand for continual technical service. Rockford Coatings' particular strength is in its ability to both respond quickly to customer line emergencies and meet the short lead-times required by just-in-time deliveries.

Everyone knows well the lament of American manufacturers today. It is tough. Price increases are frequently impossible and price reductions are often demanded. We have had to swallow whole much of the massive insurance increases which, as you might image, are substantial in a chemically related business. And, in addition, we are in a Superfund site where we are participating in what I understand is the first voluntary clean-up in the country. Last fiscal year alone this cost us five percent of gross sales, and I would add that this figure represents not only our own purported share, but also a portion of the shares for those companies no longer in business or solvent.

We employ 89 people company-wide which is a net increase of five in the last two years. The company provides group life and medical insurance for which it contributes 80 percent of the premium; both short- and long-term disability coverage; and a new 401(K) plan at the request of our employees. As a result, we terminated a defined benefit plan. This plan is not only fully funded, but we elected to distribute the company portion to our

employees. We have given salary and wage increases every year since 1958. We have had one strike in our 80-year history but not one lay-off.

The company encourages long-term employment and makes every effort to accomodate the special needs of its employees when problems occur. The flexibility needed to make these accomodations would be limited if government were to begin mandating benefits such as leave.

I first learned of the family and medical leave legislation about one month before the White House Conference on Small Business to which I was a delegate. It took many of us by surprise, at least in the Midwest, but I think it is significant that "no mandated benefits" emerged as the second most important issue to that Small Business Conference in its final recommendations to the Congress.

I am opposed to the legislation, not because of its intent or the issues it addresses, but because it would give to government rather than to employers the right to construct the appropriate benefit packages. If it were to pass, it would have severe consequences for Rockford Coatings because it would require leaves of such a nature and length that it would threaten the stability of our business. If the legislation were in effect today, paternity leave alone would cost our company four months' service of 10 percent of our technical force, including our Rockford lab manager. Paint chemists and service technicians are

not available in the temporary market. We would have to choose between overburdening other employees or violating an unreasonable law by denying the leave or hiring replacements. Surely, lawsuits would be inevitable, productivity would suffer and the costs would be grave.

I would like to add one final word about Rockford which is the second largest city in Illinois and the city most dependent on a manufacturing base.

Rockford has had a net loss of 8500 jobs since 1979. According to the Rockford Chamber of Commerce, we have 700 manufacturing firms in the Rockford area, 600 of which -- like us -- employ fewer than 100 people. According to the State of Illinois, manufacturing jobs account for 38 percent of Rockford's labor force, but when manufacturing support jobs are added, that figure increases to 51 percent. Small manufacturing is essential to our community and must be maintained.

In conclusion, I would only add that a good business has responsibility to its customers, employers, suppliers and stockholders. The private sector must be free to meet these responsibilities and keep them in balance. I would urge the Congress to permit us to do so.

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# CONCERNED ALLIANCE OF RESPONSIBLE EMPLOYERS

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"IF IT AIN'T BROKE, DON'T FIX IT..."

WE URGE CONGRESS TO PROTECT THE VOLUNTARY BENEFIT SYSTEM CURRENTLY ENJOYED BY EMPLOYERS AND EMPLOYEES. Currently there are only three government-required entitlements -- Social Security, worker's compensation, unemployment insurance. It did not take an act of Congress for employers to provide a vast array of employee benefits:

- health insurance, including dependent coverage
- dental and vision care
- long and short-term disability coverage
- life insurance
- vacation and sick leave
- maternity leave
- pension and retirement coverage
- holidays
- bereavement leave
- education assistance
- legal assistance
- adoption assistance
- profit sharing
- employee assistance programs
- employee discounts

DICTATING ANY ONE PARTICULAR BENEFIT LIMITS THE ABILITY OF EMPLOYERS TO OFFER BENEFITS THAT MAY BE MORE APPROPRIATE FOR THEIR WORKFORCE. Financial assistance for child care is just one example of a benefit that may be more desired by working parents.

ACROSS-THE-BOARD MANDATES ARE BASED ON ERRONEOUS ASSUMPTIONS. In fact:

- All businesses are not alike.
- Economic and business climates are not stable.
- All employee needs are not the same.
- The costs of mandated parental leaves will limit the availability of other benefits.

CONGRESS IS ATTEMPTING TO MICRO-MANAGE THE NATION'S BUSINESSES, WHILE REFUSING TO ACCEPT THE BURDEN ITSELF.

THE MOST IMPORTANT EMPLOYEE BENEFIT IS A PAYCHECK. Indiscriminate across-the-board mandates threatens the viability of firms and the jobs they provide.

ALASKA STATE ASSOCIATION FOR THE EDUCATION OF YOUNG CHILDREN

Position Statement

PARENTAL LEAVE/EMPLOYMENT RIGHTS RELATING TO PREGNANCY, CHILD BIRTH, AND ADOPTION

The Alaska State Association for the Education of Young Children (AKSAEYC) is the state affiliate of the National Association for the Education of Young Children (NAEYC). We advocate for and offer professional development opportunities to early childhood educators and provide public education and training in the area of early childhood development and education. Our goal is to improve the quality of services to children from birth to age 8 -- the critical years of development. In addition, we advocate in a supportive role for parents as the primary educators of young children.

AKSAEYC supports passage of HB 224 "An Act Relating to Employment Rights Based on Pregnancy, Child Birth, and Adoption." We see this bill as an important statement of policy for the State of Alaska in upholding parental rights and in validating the crucial role parents play in the early days of a child's development.

The first three to four months after birth is one of the most important periods of a child's life. The proposed period of parental leave provides time that is essential for quality care and bonding between a child and its parents. Research on infants and longitudinal early intervention studies indicate this bonding is necessary for the formation of healthy self-esteem and strong parental ties.

Not only is this time important for neonatal development, it is also crucial in setting the tone for child-parent relationships throughout the child's life and will help to prevent later problems for Alaska's youth, particularly in the areas of prevention of alcohol and drug abuse, youth suicide, school dropouts, runaway and delinquent behavior, and teenage pregnancy.

Parents must also have time to assist other children in the family adjust to having a new baby in the home, and to be able to spend time with the baby's siblings to foster healthy social and familial ties. This period of adjustment and bonding is equally important when a child is adopted into a new family.

In addition, this initial period of bonding is integral for the parent to strengthen nurturing skills, develop strong maternal and paternal attachments to the child, and to develop confidence and proficiency in parenting skills. Such confidence and skills are as necessary to the parent as to the child, and are important to ensure healthy parenting in the future. These are also shown to be important in the prevention of child abuse and neglect and similar problems which may result when the child-parent bond and parenting skills are not sufficiently developed.

Parental leave is also necessary to avoid problems with employee performance which is adversely affected by tardiness, low job attendance, stress-related illness, and the worry and guilt associated with placing a newborn in care outside the home.

While parents are adjusting to the changes in relationships that necessarily occur when there is a new member of the family, they should not also have to worry about whether they can keep their jobs, or how they can find medical insurance coverage.

Parents should not have to make a choice between keeping their job or having healthy, well-adjusted children and family relationships. We do not think this is a trade-off that is ethical for any employer to impose. As a primary employer in Alaska, state government should serve as a model in setting a standard for other employers to follow.

One of the important tasks of the Governor's Commission on Children and Youth will be to look at high-risk children and families, and to establish priorities and guidelines for providing a preventive environment to avoid potential future problems. This parental leave bill is one way to help provide such a preventive climate in our State.



May 5, 1987

The Honorable Kay Brown  
Alaska House of Representatives  
Pouch V  
Juneau, Alaska 99811

Dear Representative Brown:

Thank you for sponsoring House Bill 224 regarding parental leave. The American Association of University Women supports the policy of parental leave and has been working for it in Congress. The national bill is called "The Parental and Medical Leave Act of 1986," HR 4300/S 2278. I have enclosed our policy statement for you.

We would like to suggest that there be a mention in HB 224 of the employee being able to return to the same work site or to the same city. This would close a loophole that might enable an employer to force the returning employee to move to another city in order to take an equivalent job.

We appreciate the opportunity to comment on the bill and would be happy to provide testimony during hearings.

Thank you for sponsoring this progressive bill. Keep up the good work.

Sincerely,

A handwritten signature in cursive script that reads "Ann L. Skoe".

Ann L. Skoe (sko-e)  
Legislative Program Chair  
8169 Thunder Street  
Juneau, Alaska 99801

Enclosures



Alaska Public  
Employees Association **APEA**

State Headquarters: 340 N. Franklin, Juneau, AK 99801 (907) 586-2334

TO: Representative John Sund, Chairman  
House Judiciary Committee

FROM: Cherie Shelley  
Executive Director

SUBJECT: HB 224 - Employment Rights

DATE: May 5, 1987

The Alaska Public Employees Association endorses House Bill 224 - "An Act relating to employment rights based on pregnancy, childbirth, and adoption", and urges the committee to consider this legislation favorably.

The changing characteristics of the American family require legislative action such as that proposed by HB 224. National trends indicate that many corporations and states have already adopted similarly enlightened policies.

Social welfare experts stress the importance of parental contact in early childhood development. This bill will allow parents to spend time with their newborn or adopted children without fear of losing their jobs or suffering adverse pressure at the workplace.

House Bill 224 is the most important piece of family-oriented legislation to be considered this session. The necessity for this legislation is obvious. We urge the committee to support this measure.

CS/baa

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# Parental leave law overdue?

## Congress reacts to 'baby boomlet'

By JUDI HASSON  
United Press International

WASHINGTON — With half of today's working women the mothers of young children, Congress is considering a controversial bill that would guarantee job security for all workers who want time off to care for their newborns.

The bill is the Parental and Medical Leave Act of 1986 and it would guarantee for the first time 4½ months off — without pay — and job security for parents who want to take time out to care for their newborn, newly adopted or seriously ill children.

With the nation's post-war "baby boom" generation now having a "baby boomlet" and with more mothers remaining in the workforce, experts say a national parental leave policy is long overdue.

The United States, they say, is the only industrialized nation with no guaranteed parental leave, lagging behind Canada, Italy, Finland and Chile, which provide as much as 39 weeks leave, some of it paid.

"When you have a demographic change such as we've witnessed, the country has to do something in order to make it possible for families to function," said Wendy Williams, a Georgetown Law School professor. "This is a very minor but important step to assuring that families can function well."

The bill, however, is facing stiff opposition from the U.S. Chamber of Commerce, the major business lobby, which maintains it is not the government's role to dictate employment policy.

The chamber's position and opposition from some key conservative lawmakers who say it is bad for business might make it hard to get the

But supporters hope to hold hearings and press for a vote on the issue before November when the 135 House seats and one-third of the senators are up for re-election.

"One would think that this being an election year, the people in Congress are going to be attentive to the needs of their constituencies," Williams said. "And this has got to be high on the list of women in the workforce."

The bill, introduced in the House and Senate last week, calls for up to 18 weeks of unpaid leave and returning workers to their previous positions with full benefits and seniority.

"The new reality for most working women today involves remaining in the labor force despite pregnancy and childbirth, as well as child-caring and child-rearing responsibilities," said Sheila Kammerman, a professor of social policy and planning at Columbia University.

Labor Department statistics show that in 1985, half of all mothers of children under 3 were working — up from 34 percent a decade ago. The total number of mothers in the workforce with children under age 18 rose to 20 million last year — an increase of nearly 500,000 in just 12 months.

Statistics also say that 85 percent of the 50 million women in today's workforce are likely to become pregnant during their working years.

The surge of mothers into the labor force in recent years has increased the pressure on Congress and the corporate world for better child care, flexible work hours and other benefits.

"It is no longer 'Leave It to Beaver' time," said Rep. Patricia Schroeder, D-Colo., referring to the classic TV family model of father at work and mother at home.

"The superwoman has collapsed, collapsed of exhaustion," said Schroeder, the mother of two and a sponsor of the bill. She said it is time the workplace changed to accommodate the changing workforce.

Catalyst, a New York research firm on career and family issues, found in a recent survey of 400 major companies that 65 percent offered up to three months unpaid leave with the guarantee of a job and 46 percent guaranteed a comparable job.



# Action Alert

American Association of University Women

2401 Virginia Avenue, N.W., Washington, DC 20037

202/785-7712

February 1987

Volume VII, Issue 1

## SENATE PARENTAL LEAVE BILL INTRODUCED ON FIRST DAY OF 100TH CONGRESS

On January 6, 1987, the historic day the Senate convened for the 100th Congress, Sens. Chris Dodd (D-CT) and Arlen Specter (R-PA) introduced parental leave bill S 249. This is the Senate companion legislation to Representative Patricia Schroeder's (D-CO) Family and Medical Leave Act scheduled to be introduced in the House in early February.

Both bills provide job security to employees who take unpaid leave for serious family or medical reasons. An exemption is provided for employers with less than 15 employees. Pre-existing health benefits must continue to be provided during the leave period, and the employer has the right to the same or an equivalent position upon returning to work. The provisions of S 249 are:

Family leave--An employee may take up to 18 weeks of unpaid leave over a 24 month period for the birth, adoption or serious illness of a child. The House bill also includes dependent parents, but the Senate bill only covers children.

\* Medical leave--An employee may take up to 26 weeks of unpaid leave over a 24 month period if the employee is unable to work as a result of a serious health condition.

AAUW has endorsed the Family and Medical Leave Act because mothers and fathers deserve the right to take a period of leave from their jobs to participate in the early care of newborn or newly adopted children, or to care for a child or an elderly dependent with a serious health problem. Support for family leave is part of AAUW's historic commitment to principles and policies that promote the economic well-being of all persons and ensure protection from discrimination.

Changes in the work force and in American families in the last decade have dramatically increased the need for a national family leave policy. More women work outside the home than ever before,

and people are living longer, often requiring the care of their families. The traditional family of two children, working father, and homemaker mother now makes up only 7% of all families. The federal government estimates that by 2025, 40% of the dependent care population will be over 65.

In 1986, there were 52 million women in the paid work force, an increase of 178% since 1950. Also, 80% of working women are likely to become pregnant during their working lives, and over half of these women are back at work within a year after childbirth. More than half of the 45.6 million children in two-parent families have both parents in the work force, and the majority of mothers in these families work because of economic need. Yet current federal labor policies force parents to choose between their families and their jobs.

Despite the increasing number of company-sponsored family leave policies, at least 60% of women employed by large companies (those with more than 500 employees) lack paid maternity-related benefits that would permit a six-week leave. Also, almost a third of all American workers are employed by companies with fewer than 25 employees, with women workers constituting 43% of this segment of the work force. While such small companies create the largest percentage of new jobs, they are the least likely to provide adequate employee benefits.

**ACTION: FIRST, WRITE YOUR REPRESENTATIVE URGING HIM/HER TO BE AN ORIGINAL COSPONSOR OF THE FAMILY AND MEDICAL LEAVE ACT BY SIGNING ON TO THE BILL BEFORE ITS INTRODUCTION. THEN WRITE YOUR SENS. URGING THEM TO SUPPORT AMERICAN FAMILIES BY COSPONSORING S 249. TARGET MCS IN THE SOUTH BY URGING THEM TO SUPPORT FAMILIES AND COSPONSOR THESE BILLS.**

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**Mission Statement** The American Association of University Women promotes equity for women, education and self-development over the life span, and positive societal change.

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HB

225

STATE OF ALASKA  
THE LEGISLATURE

POUCH Y - STATE CAPITOL  
JUNEAU, ALASKA 99811  
907-465-3800

LEGISLATIVE AFFAIRS AGENCY  
LEGISLATIVE REFERENCE LIBRARY

May, 1988

Copies of minutes listed below were originally included in this file. The minutes are available on the STAIRS database CMPR. In order to save space copies of minutes have not been left in the files.

Mary Van Nimwegen

H. JUD.

5-11-87

1:30 p.m.

# HOUSE COMMITTEE REPORT

(7)

Date referred 4/30/87

FURTHER REFERRALS: Finance

DATE: 5-11-87

The Judiciary Committee has considered HB 225

"An Act relating to citations for vehicle and traffic offenses."

**RECOMMENDS:**

- replace with CS H3225 (Jud)  the same title
- attached amendment(s)  a new title
- do pass
- do not pass
- no recommendation
- individual recommendations
- additional referral to the \_\_\_\_\_ Committee

**ADOPTS:**  \_\_\_\_\_ letter of intent

**ATTACHES NEW FISCAL NOTE(S):**

- fiscal impact  same as previous fiscal note published \_\_\_\_\_
- zero fiscal note  same as previous zero fiscal note published \_\_\_\_\_
- zero with analysis

**SIGNING DO PASS:**

*[Handwritten signatures]*

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**SIGNING OTHER RECOMMENDATIONS:**

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*[Handwritten signature]*

\_\_\_\_\_

Chairman's signature

5-0599A

Ford

2/11/87

1 IN THE HOUSE

BY THE JUDICIARY COMMITTEE  
BY REQUEST

2 HOUSE BILL NO.

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 FIFTEENTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act relating to citations for vehicle and traffic  
7 offenses."

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

9 \* Section 1. AS 12.25.210(a) is amended to read:

10 (a) A peace officer, upon issuing a citation to an alleged  
11 violator under AS 12.25.180, shall deposit the original or a copy of  
12 the citation with a court having jurisdiction over the alleged of-  
13 fense. If the citation charges a vehicle or traffic offense under a  
14 municipal ordinance for which imprisonment is not a penalty, the peace  
15 officer shall deposit the original or a copy of the citation with the  
16 clerk of the municipality that issued the citation, unless otherwise  
17 provided under rule adopted by the supreme court.

18 \* Sec. 2. AS 28.05.151(c) is amended to read:

19 (c) A person cited for a motor vehicle or traffic offense for  
20 which a bail amount has been established under (b) of this section  
21 may, within five days from the date of the citation, mail or person-  
22 ally deliver to the clerk of the court having jurisdiction over the  
23 place where the offense occurred for an offense under state law, or if  
24 the citation charges a vehicle or traffic offense under a municipal  
25 ordinance for which imprisonment is not a penalty, to the clerk of the  
26 municipality, unless otherwise provided under rule adopted by the  
27 supreme court,

28 (1) the amount of bail indicated on the citation for that  
29 offense; and

1 (2) a copy of the citation signed by the person on an  
2 appropriate blank on the citation indicating the person's waiver of  
3 appearance, plea of no contest, and direction to forfeit the bail.

4 \* Sec. 3. AS 28.15.191(b) is amended to read:

5 (b) A conviction on a plea of <sup>no contest</sup> [nolo contendere] accepted by the  
6 court or a forfeiture of bail or collateral deposited to secure a  
7 defendant's appearance in court that [WHICH] has not been vacated is  
8 equivalent to a conviction for purposes of this chapter. If a defen-  
9 dant enters a plea of ~~nolo contendere~~ and forfeits bail on a citation  
10 charging a vehicle or traffic offense under a municipal ordinance for  
11 which imprisonment is not a penalty, the municipality shall forward a  
12 record of the forfeiture to the department.  
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Original sponsor: Judiciary Committee  
by request

1 IN THE HOUSE

BY THE JUDICIARY COMMITTEE

2 CS FOR HOUSE BILL NO. 225 (Judiciary)

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 FIFTEENTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act relating to certain vehicle and traffic  
7 offenses; citations for certain offenses; and provid-  
8 ing for an effective date."

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

10 \* Section 1. AS 12.25.190(c) is amended to read:

11 (c) The person cited for the crime shall give a written promise  
12 to appear in court by signing at least one copy of the written cita-  
13 tion prepared by the peace officer and the officer shall deliver a  
14 copy of the citation to the person. The written promise requirement  
15 of this subsection does not apply to motor vehicle and traffic cita-  
16 tions for which a bail or fine schedule has been established under  
17 AS 28.05.151, fish and game citations for which a bail schedule has  
18 been established under AS 16.05.165, citations issued under AS 18.35.-  
19 341, or [AND] citations issued in state park and recreational facil-  
20 ities under AS 41.21.960.

21 \* Sec. 2. AS 12.25 is amended by adding a new section to read:

22 Sec. 12.25.195. DISPOSITION OF SCHEDULED OFFENSES. (a) A  
23 person cited for an offense for which a scheduled amount of bail or a  
24 fine has been established may mail or personally deliver to the clerk  
25 of the court with appropriate jurisdiction if aailable offense, or  
26 to the clerk of the municipality that issued the citation if a sched-  
27 uled municipal fine, the amount of the bail or fine indicated on the  
28 citation for the offense together with a copy of the citation signed  
29 by the person indicating the person's waiver of court appearance.

1 entry of plea of no contest, and forfeiture of bail or fine. A motor  
2 vehicle or traffic citation may be mailed or personally delivered  
3 within five days of the date of the citation. A citation for a sched-  
4 uled offense other than a motor vehicle or traffic citation may be  
5 mailed or personally delivered within 15 days of the date of the  
6 citation.

7 (b) When bail or a fine is forfeited under this section, a  
8 judgment of conviction shall be entered. The bail or fine paid is  
9 complete satisfaction for the offense.

10 \* Sec. 3. AS 12.25.200 is amended by adding a new subsection to read:

11 (b) A citation issued under AS 12.25.180 must indicate the  
12 amount of bail or fine applicable to the offense, the procedure a  
13 person must follow in responding to the citation, and that if the  
14 person fails to pay the bail or fine the person must appear in court.  
15 In addition, a citation must indicate that the person has a right to

- 16 (1) a trial;  
17 (2) engage counsel;  
18 (3) confront and question witnesses;  
19 (4) testify; and  
20 (5) subpoena witnesses on the person's behalf.

21 \* Sec. 4. AS 12.25.210(a) is amended to read:

22 (a) A peace officer, upon issuing a citation to an alleged  
23 violator under AS 12.25.180, shall deposit the original or a copy of  
24 the citation with a court having jurisdiction over the alleged  
25 offense. If the citation charges an offense under a municipal ordi-  
26 nance for which a scheduled fine has been established, the peace offi-  
27 cer shall deposit the original or a copy of the citation with the  
28 clerk of the municipality that issued the citation, unless otherwise  
29 provided under rule adopted by the supreme court.

1 \* Sec. 5. AS 12.25.230 is amended to read:

2       Sec. 12.25.230. FAILURE TO OBEY CITATION. Except as provided in  
3 (b) of this section, a [A] person who fails to appear in court to  
4 answer the citation, regardless of the disposition of the charge for  
5 which the citation was issued, is guilty of a misdemeanor and upon  
6 conviction is punishable by a fine of not more than \$1,000, or by  
7 imprisonment for not more than one year, or by both.

8 \* Sec. 5. AS 12.25.230 is amended by adding new subsections to read:

9       (b) If a person is cited for an offense for which an amount of  
10 scheduled bail or fine is established and fails to pay the bail or  
11 fine, or appear in court, the citation shall be considered a summons  
12 for a misdemeanor.

13       (c) If a person cited for an offense for which an amount of  
14 scheduled bail or fine has been established appears in court and is  
15 found guilty, the penalty imposed for the offense may not exceed the  
16 bail or fine established for the offense.

17 \* Sec. 7. AS 28.05.041(a) is amended to read:

18       (a) The commissioner shall prescribe and provide suitable appli-  
19 cation forms, certificates of title and registration, driver's li-  
20 censes and all other forms necessary to carry out the provisions of  
21 this title and regulations adopted under this title, the adminis-  
22 tration of which is vested in the department, including a standard  
23 citation form which meets the requirements of AS 12.25.200 [AS 28.05.-  
24 151] and which is in a form necessary to identify the offender and the  
25 offense and otherwise necessary to meet the needs of the public safety  
26 and the administration of justice as required under that section.

27 \* Sec. 8. AS 28.05.151 is repealed and reenacted to read:

28       Sec. 28.05.151. CITATIONS FOR SCHEDULED VEHICLE AND TRAFFIC  
29 OFFENSES. The supreme court shall determine by rule or order those

1 motor vehicle and traffic offenses, except for offenses subject to a  
2 scheduled municipal fine, that are amenable to disposition without  
3 court appearance and shall establish a scheduled amount of bail, not  
4 to exceed fines prescribed by law, for each offense. A municipality  
5 shall determine by ordinance the municipal motor vehicle and traffic  
6 offenses that may be disposed without court appearance and shall  
7 establish a fine schedule for each offense.

8 \* Sec. 9. AS 28.15.191 is amended by adding a new subsection to read:

9 (f) A municipality that accepts a fine payment after a plea of  
10 no contest to a charge of a violation of a municipal ordinance for  
11 which a scheduled fine has been established shall forward a record of  
12 the payment to the department; however, a conviction for a standing or  
13 parking offense need not be reported.

14 \* Sec. 10. AS 28.35.145(e) is amended to read:

15 (e) A vehicle owner, or in the case of a leased vehicle a  
16 lessee, is guilty of an infraction as described in AS 28.40.050(d) and  
17 may be punished by a fine (CIVIL PENALTY) not to exceed \$100, if the  
18 vehicle owned or leased by the person is operated in violation of this  
19 section. The owner or lessee may not be penalized if the vehicle was  
20 stolen, or the driver of the vehicle is convicted under (d) of this  
21 section. This subsection does not apply to a lessor of a vehicle if  
22 the lessor keeps a record of the name and address of the lessee. A  
23 violation of this subsection may not result in the loss of a driver's  
24 license or privilege to drive and does not constitute grounds for  
25 assessment of demerit points under AS 28.15.221 - 28.15.251. This  
26 subsection does not prohibit or limit the prosecution of a vehicle  
27 driver for violating (a) or (b) of this section.

28 \* Sec. 11. AS 29.25.070(a) is amended to read:

29 (a) For the violation of an ordinance, a municipality may by

1 ordinance prescribe a penalty not to exceed a fine of \$1,000 and  
2 imprisonment for 90 days. For a violation that cannot result in  
3 incarceration or the loss of a valuable license, a municipality may  
4 allow disposition of the violation without court appearance and estab-  
5 lish a schedule of fine amounts for each offense.

6 \* Sec. 12. This Act takes effect January 1, 1988.  
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Alaska Court System  
State of Alaska

OFFICE OF ADMINISTRATIVE DIRECTOR

KARLA L. FORSYTHE  
STAFF COUNSEL

303 K Street  
Anchorage, Alaska 99501

(907) 264-6228

March 9, 1987

Representative John Sund  
Chair, House Judiciary Committee  
Alaska State Legislature  
P. O. Box V  
Juneau, Alaska 99811

Dear Representative Sund:

On February 27, 1987, I wrote to you providing background information about the Alaska Court System's request for legislation requiring municipalities to process uncontested traffic citations issued by their enforcement officers (copy of letter attached). Since that time, the court system has refined its proposal. The court system asks that the committee review the attached draft and sectional analysis and consider introducing this proposed legislation.

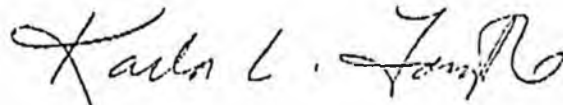
The attached draft incorporates two changes from the previous draft, both intended to benefit municipalities. First, language in the attached draft gives municipalities clear authority to establish fine schedules, rather than leaving this authority with the supreme court. This change would give municipalities the ability to control both enforcement and revenue attributable to these offenses, and to change the fine amounts to meet local conditions without having to seek approval from the judicial branch of state government. Also, this draft incorporates language authorizing municipalities to establish fine schedules for all minor offenses, which would include such offenses as littering and animal control ordinance violations as well as traffic offenses. This change would result in consistent treatment for all minor municipal offenses.

It could be argued that these changes would permit municipalities to establish fines for minor offenses solely as a revenue-generating mechanism. There are two factors which counteract this possibility. First, if a municipality sets a fine at an excessively high level, persons cited will come to court to contest the citation, which will require enforcement officers to spend time in court rather than on the streets. A modest fine is more likely to promote a plea of no contest and a mail-in fine payment, with minimal impact on enforcement resources. Also, the public can raise concerns about excessive fines directly with the legislative body which established them, which is the appropriate forum to resolve such concerns.

Representative John Sund  
March 9, 1987  
Page Two

Thank you for considering the court system's request. I will be glad to supply any additional information or answer any questions from you or your staff.

Sincerely,



Karla L. Forsythe  
Staff Counsel

KLF:bs

Att.

cc: Arthur H. Snowden, II, Administrative Director  
Robert G. Fisher, Fiscal Officer  
Sandy Ganong, Traffic Division  
Susan Miller, Manager, Special Projects  
Area Court Administrators



Alaska Court System  
State of Alaska

OFFICE OF ADMINISTRATIVE DIRECTOR

KARLA L. FORSYTHE  
STAFF COUNSEL

303 K Street  
Anchorage, Alaska 99501

(907) 264-0228

February 27, 1987

Representative John Sund  
Alaska State Legislature  
P. O. Box V  
Juneau, Alaska 99811

Dear Representative Sund:

I am writing to provide background about a request from the Alaska Court System for legislation requiring municipalities to process uncontested traffic citations issued by their enforcement officers.

In most court locations, citations issued by both state enforcement officials and also by municipal enforcement officials are filed with courts. Many of these citations are resolved by a bail forfeiture and plea of no contest. Processing consists of accepting payment from a defendant, either in person or by mail. If a defendant wishes to plead not guilty, a court trial is scheduled. If a defendant does not respond to the citation, a bench warrant or an order to show cause must be issued. However, the vast majority of these matters are resolved by the forfeited payment, without a court appearance.

If an offense is cited under provisions of state law, the resulting fine or forfeiture is paid to the general fund of the State of Alaska. However, under AS 22.15.270, forfeitures resulting from violations of ordinances of municipalities are returned to the political subdivision.

As a practical consequence, this means that court staff, who are funded by the state, perform what is essentially an accounting function for municipalities. The court system proposes that municipalities take over the responsibility for processing these uncontested citation payments. This procedure is currently in place in Juneau, based on a voluntary agreement between the Juneau court and Juneau enforcement officials, and works quite effectively.

This procedure would benefit the courts, because resources now devoted to processing these payments could be focused on other functions which would benefit both the state and localities, such as pre-trial screening to determine which defendants are able to bear the costs of counsel appointed at public expense. Stopped-up efforts by the court to screen these defendants would result in decreased costs to municipalities because of the decreased burden of paying for costs of defense.

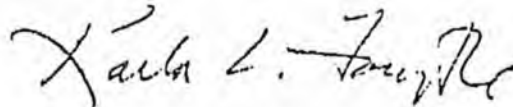
Representative John Sund  
February 27, 1987  
Page Two

Municipalities would also benefit by assuming direct control over this process. Along these lines, the supreme court would not object to legislation authorizing municipalities to enact mail-in fine schedules, which would give municipalities the ability to determine appropriate fine payments in conjunction with specific enforcement goals, instead of relying on the supreme court to adopt ball forfeiture schedules.

Some smaller political subdivisions may not have the capability to process these citations. If a municipality can demonstrate that the system as a whole will benefit from retaining this function within the court system, the court system would continue to process these citations for that municipality. It is anticipated that this exemption would apply primarily to outlying communities which issue very few traffic citations.

I hope this information is helpful to the committee. Please let me know if I can provide additional background.

Sincerely,



Karla L. Forsythe  
Staff Counsel

KLF:bs

cc: Arthur H. Snowden, II, Administrative Director  
Stephane J. Cole, Deputy Administrative Director  
Robert G. Fisher, Fiscal Officer  
Sandy Ganong, Traffic Division  
Area Court Administrators

SECTIONAL ANALYSIS: AN ACT RELATING TO CITATIONS FOR  
VEHICLE AND TRAFFIC OFFENSES

Section 1. Paragraph a. This section provides that citations for offenses under municipal ordinances for which a fine schedule has been established shall be deposited with the municipality for processing rather than with the court. However, if the supreme court by rule exempts a municipality from this provision, citations may still be filed with the court. It is anticipated that outlying communities which do not have the resources to process these citations would still be permitted to deposit citations with the court.

Paragraph b. This paragraph sets forth the procedure for responding to a citation under a municipal ordinance for which a fine schedule has been established. The person to whom the citation is issued will have five days to either pay the fine to the municipality or to plead not guilty. This paragraph also sets forth provisions which must appear on the citations in order to protect a person's due process rights. The paragraph provides that if a person fails to respond to the citation, the citation is considered a summons, which will provide the basis for the court to issue a bench warrant. Finally, this paragraph provides that if a person requests a trial and appears in court and is ultimately found guilty, the person may be sentenced to pay no more than the amount of the fine established under ordinance.

Paragraphs c-f. These provisions are contained in existing law, and are re-lettered in the proposed draft. These paragraphs relate to disposition of the citation and retention of copies.

Section 2. This section amends the current bail forfeiture statute for vehicle and traffic violations to provide that the state supreme court will issue a bail forfeiture schedule only for those offenses under state law which are amenable to disposition without court appearance, and that municipalities will establish fine schedules for municipal traffic offenses amenable to disposition without court appearance. This section also clarifies that if a person cited for an offense for which a fine or bail amount has been established appears in court and is found guilty, the penalty imposed may not exceed the fine or bail amount, so that the person's constitutional right to request a trial will not be infringed.

Section 3. Current law requires the court to notify the Department of Public Safety of convictions. This section inserts new language requiring a municipality to similarly notify the department if a fine payment has been accepted for a violation of a municipal ordinance relating to driving vehicles.

Section 4. This section amends Title 29, and is intended to give municipalities clear authority to determine that some minor offenses are amenable to disposition without court appearance and to establish a schedule of fine amounts for these offenses. Under existing law revenue generated by this procedure would be returned to the municipalities.

Section 5. This section sets an effective date of January 1, 1988, in order to give sufficient lead time for municipalities to review their ordinances and adopt fine schedules.

5-0599A ✓  
Ford  
3/26/87

1 IN THE HOUSE

BY THE JUDICIARY COMMITTEE  
BY REQUEST

2 HOUSE BILL NO.

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 FIFTEENTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act relating to citations for vehicle and traffic  
7 offenses."

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

9 \* Section 1. AS 12.25.210(a) is amended to read:

10 (a) A peace officer, upon issuing a citation to an alleged  
11 violator under AS 12.25.180, shall deposit the original or a copy of  
12 the citation with a court having jurisdiction over the alleged of-  
13 fense. If the citation charges a vehicle or traffic offense under a  
14 municipal ordinance for which imprisonment is not a penalty, the peace  
15 officer shall deposit the original or a copy of the citation with the  
16 clerk of the municipality that issued the citation, unless otherwise  
17 provided under rule adopted by the supreme court.

18 \* Sec. 2. AS 28.05.151(c) is amended to read:

19 (c) A person cited for a motor vehicle or traffic offense for  
20 which a bail amount has been established under (b) of this section  
21 may, within five days from the date of the citation, mail or person-  
22 ally deliver to the clerk of the court having jurisdiction over the  
23 place where the offense occurred for an offense under state law, or if  
24 the citation charges a vehicle or traffic offense under a municipal  
25 ordinance for which imprisonment is not a penalty, to the clerk of the  
26 municipality, unless otherwise provided under rule adopted by the  
27 supreme court,

28 (1) the amount of bail indicated on the citation for that  
29 offense; and

1 (2) a copy of the citation signed by the person on an  
2 appropriate blank on the citation indicating the person's waiver of  
3 appearance, plea of no contest, and direction to forfeit the bail.

4 \* Sec. 3. AS 28.15.191(b) is amended to read:

5 (b) A conviction on a plea of no contest [NOLO CONTENDERE]  
6 accepted by the court or a forfeiture of bail or collateral deposited  
7 to secure a defendant's appearance in court that [WHICH] has not been  
8 vacated is equivalent to a conviction for purposes of this chapter.  
9 If a defendant enters a plea of no contest and forfeits bail on a  
10 citation charging a vehicle or traffic offense under a municipal  
11 ordinance for which imprisonment is not a penalty, the municipality  
12 shall forward a record of the forfeiture to the department.  
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17071

**STATE OF ALASKA 1987 LEGISLATIVE SESSION  
FISCAL NOTE**

Bill Version:  
Publish Date:

HB 225

REQUEST:

Revision Date: Agency Affected: Alaska Court System  
 Title: An act relating to citations BRU: Trial Courts  
           for vehicle and traffic offenses  
 Sponsor: Judiciary Committee Components:  
 Requestor: Community & Regional Affairs

<u>EXPENDITURES/REVENUES:</u> (Thousands of Dollars)						
OPERATING	FY 87	FY 88	FY 89	FY 90	FY 91	FY 92
Personal Services	. . . .	. . . .	. . . .	. . . .	. . . .	. . . .
Travel	. . . .	. . . .	. . . .	. . . .	. . . .	. . . .
Contractual	. . . .	. . . .	. . . .	. . . .	. . . .	. . . .
Supplies	. . . .	. . . .	. . . .	. . . .	. . . .	. . . .
Equipment	. . . .	. . . .	. . . .	. . . .	. . . .	. . . .
Land & Structures	. . . .	. . . .	. . . .	. . . .	. . . .	. . . .
Grants & Claims	. . . .	. . . .	. . . .	. . . .	. . . .	. . . .
<b>TOTAL OPERATING</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>
<b>CAPITAL</b>	. . . .	. . . .	. . . .	. . . .	. . . .	. . . .
<b>REVENUE</b>	. . . .	. . . .	. . . .	. . . .	. . . .	. . . .

<u>FUNDING:</u> (Thousands of Dollars)						
General Funds	0.0	0.0	0.0	0.0	0.0	0.0
Federal Funds	. . . .	. . . .	. . . .	. . . .	. . . .	. . . .
Other	. . . .	. . . .	. . . .	. . . .	. . . .	. . . .
<b>TOTAL</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

<u>POSITIONS:</u>						
Full-time	. . . .	. . . .	. . . .	. . . .	. . . .	. . . .
Part-time	. . . .	. . . .	. . . .	. . . .	. . . .	. . . .
Temporary	. . . .	. . . .	. . . .	. . . .	. . . .	. . . .

ANALYSIS: (Attach a separate page if necessary)

No fiscal impact.

Prepared by: Karla Forsythe, General Counsel  
 Division: Alaska Court System

Phone: 264-8228  
 Date: 4-28-87

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

Date: 4-28-87

Distribution (by preparer):  
 Legislative Finance  
 Legislative Sponsor  
 Requestor  
 Office of Management & Budget  
 Impacted Agency(ies)  
 Senate Secretary

SECTIONAL ANALYSIS: AN ACT RELATING TO CITATIONS FOR VEHICLE-AND-TRAFFIC OFFENSES MUNICIPAL

Section 1. Paragraph a. This section provides that citations for offenses under municipal ordinances for which a fine schedule has been established shall be deposited with the municipality for processing rather than with the court. However, if the supreme court by rule exempts a municipality from this provision, citations may still be filed with the court. It is anticipated that outlying communities which do not have the resources to process these citations would still be permitted to deposit citations with the court.

Paragraph b. This paragraph sets forth the procedure for responding to a citation under a municipal ordinance for which a fine schedule has been established. The person to whom the citation is issued will have five days to either pay the fine to the municipality or to plead not guilty. This paragraph also sets forth provisions which must appear on the citations in order to protect a person's due process rights. The paragraph provides that if a person fails to respond to the citation, the citation is considered a summons, which will provide the basis for the court to issue a bench warrant. Finally, this paragraph provides that if a person requests a trial and appears in court and is ultimately found guilty, the person may be sentenced to pay no more than the amount of the fine established under ordinance.

Paragraphs c-f. These provisions are contained in existing law, and are re-lettered in the proposed draft. These paragraphs relate to disposition of the citation and retention of copies.

Section 2. This section amends the current bail forfeiture statute for vehicle and traffic violations to provide that the state supreme court will issue a bail forfeiture schedule only for those offenses under state law which are amenable to disposition without court appearance, and that municipalities will establish fine schedules for municipal traffic offenses amenable to disposition without court appearance. This section also clarifies that if a person cited for an offense for which a fine or bail amount has been established appears in court and is found guilty, the penalty imposed may not exceed the fine or bail amount, so that the person's constitutional right to request a trial will not be infringed.

Section 3. Current law requires the court to notify the Department of Public Safety of convictions. This section inserts new language requiring a municipality to similarly notify the department if a fine payment has been accepted for a violation of a municipal ordinance relating to driving vehicles.

Section 4. This section amends Title 29, and is intended to give municipalities clear authority to determine that some minor offenses are amenable to disposition without court appearance and to establish a schedule of fine amounts for these offenses. Under existing law revenue generated by this procedure would be returned to the municipalities.

Section 5. This section sets an effective date of January 1, 1988, in order to give sufficient lead time for municipalities to review their ordinances and adopt fine schedules.

IN THE LEGISLATURE OF THE STATE OF ALASKA

FIFTEENTH LEGISLATURE - FIRST SESSION

A BILL

For an Act entitled: "An Act relating to citations for ~~vehicle~~ <sup>municipal</sup> and  
traffic offenses."

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

\* Section 1. AS 12.25.210 is amended to read:

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

(b) A person cited for an offense under a municipal ordinance for which the municipality has established a fine schedule

may, within five days from the date of the citation, mail or personally deliver to the clerk of the municipality which issued the citation, unless otherwise provided under rule adopted by the supreme court, the amount of fine indicated on the citation for that offense and a copy of the citation signed by the person on an appropriate blank indicating the person's waiver of court appearance. A fine paid under this section is complete satisfaction for the offense. The citation must provide that the person is entitled to a trial, to engage counsel, to confront and question witnesses, to testify and to subpoena witnesses in the person's behalf, and must state the procedure the person must follow in responding to the citation. The citation must also provide that if the person cited fails to pay the fine amount, the person must appear in court. If the person fails to pay the fine amount or appear in court, the citation shall be considered a summons for a misdemeanor. Notwithstanding other provisions of law, if a person cited for an offense for which a fine has been established appears in court and is found guilty, the penalty

imposed for the offense may not exceed the fine amount established for the offense.

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

(d) [(c)] It is unlawful and official misconduct for a peace officer or other officer or public employee to dispose of a citation or copies of it or of the record of the issuance of the citation in a manner other than as required in this section.

(e) [(d)] The chief administrative officer of each law enforcement agency shall require each officer in the agency to return a copy of every citation issued by the officer to an alleged violator of a law or ordinance and all copies of every citation that has

been spoiled or upon which any entry has been made and not issued to an alleged violator.

(f) [(e)] The chief administrative officer of each law enforcement agency shall also maintain in connection with every citation issued by an officer in the agency a record of the disposition of the charge by the court in which the original or copy of the citation was deposited.

\* Section 2. AS 28.05.151 is amended to read as follows:

Section 28.05.151. Form and issuance of citation. (a) When a person is arrested or cited for the commission of a vehicle or traffic offense which is a misdemeanor or an infraction, the arresting or citing officer shall, except when otherwise required by law or the immediate circumstances, issue a citation to the person arrested or cited. The person receiving the citation may not be required to endorse the citation.

(b) The state supreme court shall determine by rule or order those vehicle and traffic offenses under state law that are amenable to disposition without court appearance and shall establish a schedule of bail amounts, not to exceed fines prescribed by law, for each offense. A municipality shall determine by ordinance those vehicle and traffic offenses under the ordinances of the municipality that are amenable to disposition without court appearance and shall establish a schedule of fine amounts for each offense. If the offense for which the citation is issued is one which may be disposed of without court appearance, the citing officer shall write on the citation the amount of bail or fine applicable to the cited offense.

(c) A person cited under state law for a motor vehicle or traffic offense for which a bail amount has been established under (b) of this section may, within five days from the date of

the citation, mail or personally deliver to the clerk of the court having jurisdiction over the place where the offense occurred

(1) the amount of bail indicated on the citation for that offense; and

(2) a copy of the citation signed by the person on an appropriate blank on the citation indicating the person's waiver of appearance, plea of no contest, and direction to forfeit the bail.

(d) A person cited under a municipal ordinance for a motor vehicle or traffic offense for which a fine schedule has been established may, within five days from the date of the citation, mail or personally deliver to the clerk of the municipality that issued the citation, unless otherwise provided under rule adopted by the supreme court,

(1) the amount of fine indicated on the citation for that offense; and

(2) a copy of the citation signed by the person on the appropriate blank on the citation indicating the person's waiver of court appearance and plea of no contest.

(e) [(d)] When bail has been forfeited or a fine has been paid to the court under this section, a judgment of conviction shall be entered. Bail forfeited or a fine paid under this section is a complete satisfaction for the offense, and the offender shall be given a receipt stating that fact.

(f) [(e)] If the person cited fails to pay the bail or fine amount or appear in court as required, the citation shall be considered a summons as for a charge of a misdemeanor and the person shall be proceeded against in the manner prescribed by law. [(HOWEVER, THE MAXIMUM PENALTY WHICH MAY BE IMPOSED FOR THE ORIGINAL OFFENSE MAY NOT EXCEED THE BAIL AMOUNT FOR THAT OFFENSE SET OUT IN THE SCHED-

ULE OF BAIL AMOUNTS AS DETERMINED BY THE SUPREME COURT UNDER (b) OF THIS SECTION.)]

(g) Notwithstanding other provisions of law, if a person cited for an offense for which a fine or bail amount has been established appears in court and is found guilty, the penalty imposed for the offense may not exceed the fine or bail amount established for the offense.

(h) [(f)] A municipality shall adopt a citation form which complies with the requirements of this section and is at least equivalent to that adopted by the commissioner under AS 28.05.-041.

\* Section 3. AS 28.15.191 is amended to read:

Section 28.15.191 [COURT] Reports to department

(a) A court which convicts a person of an offense under this title or a regulation adopted under this title, or another law or regulation of this state, or a municipal ordinance which regulates the driving of vehicles, shall forward a record of the conviction to the department. A conviction of a standing or parking offense need not be reported.

(b) A municipality which accepts a fine payment upon a plea of no contest to a charge of a violation of a municipal ordinance regulating the driving of vehicles and for which a fine schedule has been established shall forward a record of the payment to the department. A conviction of a standing or parking offense need not be reported.

(c) [(b)] A conviction on a plea of no contest [NOLO CONTENDERE] accepted by the court or a forfeiture of bail or collateral deposited to secure a defendant's appearance in court

which has not been vacated is equivalent to a conviction for purposes of this chapter.

(d) [(c)] A court which suspends, revokes, or limits a driver's license shall require the surrender of the license, and shall immediately forward it to the department with the record of conviction and notification of the effective date of the suspension, revocation or limitation as determined under AS 28.15.211-  
(b).

(e) [(d)] A court which limits a driver's license, in addition to the actions required under (c) of this section, shall issue to the licensee a form specifying the court's limitations imposed upon a person's driver's license, and shall immediately forward to the department a copy of the limitations imposed upon the license.

(f) ~~[(e)]~~ A court shall report to the department every change of name authorized by it, and the name, address, age, description, and driver's license number if available, of every person adjudged to be afflicted with or suffering from a mental disability or disease, or to be an habitual user of alcohol or another drug. The department shall prescribe and furnish the forms for making these reports.

\* Section 4. AS 29.25.070(a) is amended to read:

(a) For the violation of an ordinance, a municipality may by ordinance prescribe a penalty not to exceed a fine of \$1,000 and imprisonment for 90 days. For those violations for which a conviction cannot result in incarceration or the loss of a valuable license, a municipality may determine by ordinance which violations are amenable to disposition without court appearance and establish a schedule of fine amounts for each such offense.

\* Section 5. Effective date. This act takes effect on January

1, 1988.

## FISCAL ANALYSIS -HB 225

This measure would transfer to municipalities the responsibility for processing the paperwork which results from municipal traffic tickets, and for accounting for the fine amounts which are returned to municipalities as required by AS 22.15.270. Court staff now performing this function will be assigned to duties which will benefit not only municipalities, but also the state and the general public. These tasks include helping relieve the sizeable case backlog (approaching two years in Anchorage), and conducting pre-trial screening of defendants seeking appointments of counsel at public expense. It is anticipated that intensified screening efforts will decrease the number of these appointments, and will therefore reduce municipal expenditures for these defense costs.

## SECTIONAL ANALYSIS

An act relating to issuance of citations for vehicle and traffic offenses

Section 1: This section provides that citations charging a vehicle or traffic offense under a municipal ordinance for which imprisonment is not a penalty will be deposited for processing with the clerk of the municipality which issued the citation, rather than the court, unless otherwise provided by the supreme court. It is anticipated that local courts will continue to process municipal citations in those municipalities which issue relatively few traffic citations. Traffic offenses charged under state law would continue to be processed through the court.

Section 2: This section provides that a person charged with a traffic offense under municipal ordinance for which imprisonment is not a penalty will return the citation to the municipality for processing. Persons charged with traffic and vehicle offenses under state law would continue to return citations to the court.

Section 3: This section provides that a municipality will notify the department of public safety of bail forfeitures processed through the municipality so that the department can assess points under its regulations. The courts would continue to notify the department of convictions on contested traffic offenses adjudicated by the court, and also of bail forfeitures in conjunction with offenses charged under state law.

# Memorandum

Alaska Court System

TO:

Karla Forsythe  
General Counsel

DATE : February 26, 1987

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

SUBJECT: Estimate of Municipal  
Revenues

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

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

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

## Municipal Traffic Revenues 1986

	<u>Anchorage</u>		<u>Fairbanks</u>	
	<u>\$</u>	<u>¢</u>	<u>\$</u>	<u>¢</u>
Total Deposits	\$533,300	100	\$86,500	100
Contested Revenues	<u>75.100</u>	<u>14</u>	<u>8.400</u>	<u>10</u>
Estimated Uncontested Revenues	<u>\$458.200</u>	<u>86</u>	<u>\$78.100</u>	<u>90</u>

If you need further information, please let me know.

2-26-87a

STATE OF ALASKA  
THE LEGISLATURE

LEGISLATIVE AFFAIRS AGENCY

POUCHY STATE CAPITAL  
JUNEAU ALASKA 99811  
907 465 3100

MEMORANDUM

April 8, 1987

SUBJECT: Sectional analysis - HB 225  
TO: Representative Heinrich Springer  
FROM: Michael F. Ford *M.F.*  
Legislative Counsel

The following is a section by section analysis of HB 225:

Section 1 - Requires a citation for a violation of a municipal traffic ordinance to be deposited with the clerk of the municipality that issued the citation, unless otherwise provided by rule adopted by the supreme court.

Section 2 - Requires a person who receives citation for a violation of a municipal traffic offense to mail or deliver bail to the municipal clerk, if the person wishes to post bail.

Section 3 - Requires municipalities to forward a record of conviction to the Department of Public Safety.

MFF:mkr  
m10/116

§ 28.35.145

guilty of an infraction

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op v. State, Sup. Ct. Op.  
Nos. S-923, S-11631.

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Nos. S-923, S-11631.

s v. State, Ct. App. Op.  
A-699, 691 P.2d 285

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VICES required

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§ 28.35.225

MOTOR VEHICLES

§ 28.35.251

area to embark on or disembark from the school bus, whether or not the person is crossing within a marked crosswalk.

(c) The driver of a vehicle on a highway with separate roadways is not required to stop when meeting or passing a school bus that is on a different roadway or, if upon a controlled access highway, when a school bus is stopped off the highway in a loading zone that is part of, or adjacent to, the controlled access highway, and pedestrians are not permitted to cross the highway.

(d) A driver convicted under this section is guilty of a class B misdemeanor and, in addition to other penalties as provided by law, is subject to a mandatory assessment of six demerit points under AS 28.15.221 — 28.15.261 — an infraction

(e) A vehicle owner, or in the case of a leased vehicle a lessee, may be punished by a civil penalty not to exceed \$100, if the vehicle owned or leased by the person is operated in violation of this section. The owner or lessee may not be penalized if the vehicle was stolen, or the driver of the vehicle is convicted under (d) of this section. This subsection does not apply to a lessor of a vehicle if the lessor keeps a record of the name and address of the lessee. A violation of this subsection may not result in the loss of a driver's license or privilege to drive and does not constitute grounds for assessment of demerit points under AS 28.15.221 — 28.15.261. This subsection does not prohibit or limit the prosecution of a vehicle driver for violating (a) or (b) of this section. (§ 1 ch 8 SLA 1986)

### Sec. 28.35.225. Enforcement.

#### NOTES TO DECISIONS

"Law enforcement officers". — Any member of the police force of an incorporated city or borough is a "law enforcement officer" for purposes of this section. State v. Burke, Ct. App. Op. No. 583 (File No. A-905), 714 P.2d 374 (1986).

Enforcement authority. — This section authorizes all "law enforcement officers" to stop any vehicle whose driver has committed a statewide traffic offense in

the officer's presence, regardless not only of whether the offense was committed within the territorial limits of the jurisdiction which employed the officer, but also of whether the vehicle is in the territorial limits at the time the officer decides to make the stop. State v. Burke, Ct. App. Op. No. 583 (File No. A-905), 714 P.2d 374 (1986).

Sec. 28.35.251. Contained or confined loads. (a) A person may not drive a motor vehicle loaded with sand, gravel, rock, or similar materials on a highway unless

(1) the load is contained or confined to prevent the load from dropping, shifting, leaking, or escaping, except that sand or other substances may be dropped, sprinkled, or sprayed for the purpose of cleaning or maintaining the highway or providing traction; and

*Amendment to § 28.35.225 by S. 5/20/87 part 7*

*AS 28.225(c) is amended to read:*

to the wearer potentially caused by the helmet. The adoption of these regulations shall be under the provisions of the Administrative Procedure Act (AS 44.62).

(b) A person who has reached the age of majority as defined by AS 25.20.010 may not be required to wear a helmet while operating a motorcycle if the person is the holder of a license which, under regulations adopted under AS 28.15.011, is classified singly as a license to operate a motorcycle. (§ 1 ch 230 SLA 1976)

Collateral references. — 7A Am. Jur.  
2d, Automobiles and Highway Traffic,  
§ 210.

*Sec. 28.35.250. Application of law. [Repealed, § 20 ch 241 SLA 1976.]*

*Sec. 28.35.260. [Renumbered as AS 28.40.100.]*

*Sec. 28.35.270. [Renumbered as AS 28.40.110.]*

### Chapter 40. General Provisions.

Section	Section
050. Penalty for violations of law, regulations, and municipal ordinances	100. Definitions for title
	110. Short title

**Sec. 28.40.050. Penalty for violations of law, regulations, and municipal ordinances.** (a) It is a misdemeanor for a person to violate a provision of this title unless the violation is by this title or other law declared to be a felony or an infraction.

(b) A person convicted of a misdemeanor for a violation of a provision of this title for which another penalty is not specifically provided is punishable by a fine of not more than \$500, or by imprisonment for not more than 90 days, or by both. In addition, the privilege to drive or the registration of vehicles may be suspended or revoked.

(c) Unless otherwise specified by law a person convicted of a violation of a regulation adopted under this title, or a municipal ordinance regulating vehicles or traffic when the municipal ordinance does not correspond to a provision of this title, is guilty of an infraction and is punishable by a fine not to exceed \$300.

(d) An infraction, as provided for in (c) of this section, is not considered a criminal offense and may not result in imprisonment, nor is a fine imposed for the commission of an infraction considered a penal or criminal punishment; nor may the commission of a single infraction result in the loss of a driver's license or privilege to drive in this state except as may result from the accumulation of points under AS 28.15.221 — 28.15.261, or the registration of vehicles; nor does a person cited with an infraction have a right to trial by jury or to court-appointed counsel.

Handwritten notes on the left margin: "25", "2", and some illegible scribbles.

Handwritten note: "AS 28.40.050 amended read:"

Handwritten note: "AS 28.35.250" with an arrow pointing to the text in section (c).

# Soldotna Police Department

P. O. Box 2499  
Soldotna - Alaska 99669



Duane Udland  
Chief of Police

April 23, 1987

Representative John Sund  
Alaska State Legislature  
Pouch V  
Juneau, AK 99811

Dear Representative Sund,

I writing to you concerning House Bill No. 225 which relates to citations for vehicle traffic offenses. This bill would require that fines for traffic citations issued under a municipal ordinance be paid to the clerk of the municipality that issued the citation.

I am opposed to this bill for three primary reasons. First, we would end up having two separate accounting systems for the same citation. The municipality would need one and so would the court. With just the one system we have now have, there are occasionally errors and things become lost. By introducing the city clerk from each municipality into the process, the chances of additional errors due to logistical problems, increases. Such errors could lead to arrest warrants being issued when they shouldn't be.

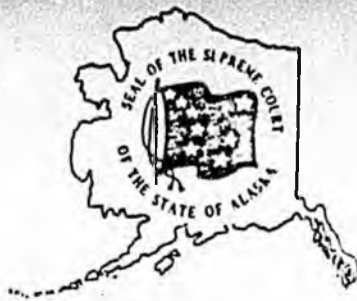
Secondly, things would become confusing in cases where a driver is issued two citations stemming from the same traffic stop. For instance, he may get one citation for speeding under the municipal ordinance and one for not having a valid operators license under state statute. In this situation the driver would have to pay for one citation at the municipal clerk office and then pay the other citation at the courthouse. If he wanted to plead guilty on one citation and contest the other, he would still have to make two trips. I don't think it is fair to the citizen to do this.

Thirdly, the City of Soldotna is feeling the economic pinch, just like the State of Alaska. This bill shifts some of the workload and cost from the court system to my city with no consideration for the impact it has on us.

It just seems logical that people should pay their fines at the court of jurisdiction. I ask that you do not support this bill. Thank you for time.

Sincerely,

Duane S. Udland  
Chief of Police



③ HB 225

APR 14 1987

Alaska Court System  
State of Alaska

OFFICE OF ADMINISTRATIVE DIRECTOR

KARLA L. FORSYTHE  
STAFF COUNSEL

303 K Street  
Anchorage, Alaska 99501

(907) 264-8228

April 8, 1987

Representative Heinrich Springer  
Alaska State Senate  
P. O. Box V  
Juneau, Alaska 99811

Dear Representative Springer:

It is my understanding that a Community and Regional Affairs Committee hearing on House Bill 225 is tentatively scheduled for April 22. The court system greatly appreciates your consideration in scheduling this bill.

Terry Hoefflerle of your staff asked if the court system could provide information regarding the number of citations processed by the City and Borough of Juneau and the staff required to process these citations.

According to Connie Krebs with the Juneau Police Department (586-5300), a total of 29,410 citations were processed during calendar year 1986. Of these, 5,132 citations were issued for moving violations, which are the type of citation which would be processed by municipalities rather than the court system under House Bill 225. Other citations included citations at the harbor - 56, airport - 137, canine - 825, litter - 546, smoke hazard - 25, parking - 2,459. Ms. Krebs further indicated that there is one person who processes these minor offense citations, and one other person who processes criminal citations (which are not covered by this bill). Although the present staff consists of two, she reports that the department will be receiving an additional clerk position due to the number of citations which are being processed.

I hope this information is helpful. Please let me know if you have any questions or if I can provide additional details.

Sincerely,

Karla L. Forsythe  
Staff Counsel

KLF:bs .

cc: Arthur H. Snowden, II, Administrative Director  
Connie Krebs, Juneau Police Department



# Alaska Court System

State of Alaska

303 "K" STREET  
ANCHORAGE, ALASKA  
99501

ARTHUR M. SNOWDEN II  
ADMINISTRATIVE DIRECTOR

(907) 274-8611

April 2, 1987

Representative Heinrich Springer  
Chair, House Community and Regional  
Affairs Committee  
Alaska State Legislature  
P.O. Box V  
Juneau, Alaska 99811

Dear Representative Springer:

I am writing to provide background about HB 225, which was introduced at the request of the Alaska Court System. This bill would require municipalities to process uncontested traffic citations issued by their enforcement officers.

In most court locations, citations issued by state enforcement officials and also by municipal enforcement officials are filed with courts. Many of these citations are resolved by a bail forfeiture and plea of no contest. Processing consists of accepting payment from a defendant, either in person or by mail. If a defendant wishes to plead not guilty, a court trial is scheduled. If a defendant does not respond to the citation, a bench warrant or an order to show cause must be issued. However, the vast majority of these matters are resolved by the forfeited payment, without a court appearance.

If an offense is cited under provisions of state law, the resulting fine or forfeiture is paid to the general fund of the State of Alaska. However, under AS 22.15.270, forfeitures resulting from violations of ordinances of municipalities are returned to the political subdivision.

As a practical consequence, this means that court staff, who are funded by the state, perform what is essentially an accounting function for municipalities. The court system proposes that municipalities take over the responsibility for processing these uncontested citation payments. This procedure is currently in place in Juneau, based on a voluntary agreement between the Juneau court and Juneau enforcement officials, and works quite effectively.

Representative Heinrich Springer  
April 2, 1987  
Page Two

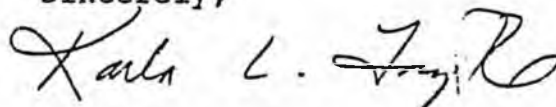
This procedure would benefit the courts, because resources now devoted to processing these payments could be focused on other functions which would benefit both the state and localities, such as pre-arrest screening to determine which defendants are able to bear the costs of counsel appointed at public expense. Stepped-up efforts by the court to screen these defendants would result in decreased costs to municipalities because of the decreased burden of paying for costs of defense.

Municipalities would also benefit by assuming direct control over this process. Along these lines, the court system would not object to a provision authorizing municipalities to enact mail-in fine schedules. This would give municipalities the ability to determine appropriate fine payments in conjunction with specific enforcement goals, instead of relying on the supreme court to adopt bail forfeiture schedules.

Some smaller political subdivisions may not have the capability to process these citations. If a municipality can demonstrate that the system as a whole will benefit from retaining this function within the court system, the court system would continue to process these citations for that municipality. It is anticipated that this exemption would apply primarily to outlying communities which issue very few traffic citations.

I hope this information is helpful to the committee. I have also attached a sectional analysis of the bill. If I can provide additional background, please let me know.

Sincerely,



Karla L. Forsythe  
Staff Counsel

c: Representative Cato  
Representative Herrmann  
Representative Collins  
Representative Zawacki  
Arthur H. Snowden, II

# Memorandum

Alaska Court System

TO:

Karla Forsythe  
General Counsel

DATE : February 26, 1987

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

SUBJECT: Estimate of Municipal  
Revenues

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

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

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

## Municipal Traffic Revenues 1986

	<u>Anchorage</u>		<u>Fairbanks</u>	
	<u>\$</u>	<u>¢</u>	<u>\$</u>	<u>¢</u>
Total Deposits	\$533,300	100	\$86,500	100
Contested Revenues	<u>75,100</u>	<u>14</u>	<u>8,400</u>	<u>10</u>
Estimated Uncontested Revenues	<u>\$458,200</u>	<u>86</u>	<u>\$78,100</u>	<u>90</u>

If you need further information, please let me know.

2-26-87a



③ HB 225

APR 21 1987

Alaska Court System  
State of Alaska

OFFICE OF ADMINISTRATIVE DIRECTOR

KARLA L. FORSYTHE  
STAFF COUNSEL

303 K Street  
Anchorage, Alaska 99501

(907) 264-8228

April 16, 1987

Representative Heinrich Springer  
Alaska State Legislature  
P. O. Box V  
Juneau, Alaska 99811

Dear Representative Springer:

As I mentioned to your assistant Terry Hoefflerle, the statistics provided to me by the Juneau Police Department apparently were not accurate. The police department has provided me with the following revised statistics:

Moving violations - 1,151, parking - 12,831, equipment violations - 508, harbor - 1,367, airport - 825, canine - 546, litter - 22, smoke - 25, total 17,275.

It is my understanding that these statistics are for calendar year 1986.

If you have any questions about these revised numbers, please let me know.

Sincerely,

Karla L. Forsythe  
Staff Counsel

KLF:bs

cc: Connie Krebs, Juneau Police Department

4/16/87-6

IN THE SUPREME COURT FOR THE STATE OF ALASKA  
ORDER NO. 778

Adding new Administrative Rule 43.2 Fish and Game Bail Forfeiture Schedule and repealing previous fish and game bail forfeiture schedule orders.

IT IS ORDERED:

Supreme Court Order No. 627 and No. 654 adopting and revising the Uniform Statewide Fish and Game Bail Forfeiture Schedule are repealed.

Administrative Rule 43.2 is adopted to read as follows:

Administrative Rule 43.2. Fish and Game Bail Forfeiture Schedule.

Pursuant to AS 16.05.165(b), the following fish and game offenses are appropriate for disposition without court appearance upon payment and forfeiture of the bail amounts listed. If a person charged with one of these offenses appears in court and is found guilty, the penalty imposed for the offense may not exceed the bail amount for that offense listed below. An offense for which a bail forfeiture amount has been established shall be charged on a citation which meets the requirements of District Court Criminal Rule 8(c) and shall not be filed, numbered or processed as a criminal case.

<u>Statute or Regulation</u>	<u>Description of Offense</u>	<u>Bail</u>
AS 16.05.330(a)	Sport fishing without license in possession	\$ 75
AS 16.05.330(a)	Hunting without license in possession	100
AS 16.05.340(a) (17) (A)	Taking waterfowl without state duck stamp	75
5 AAC 56.015(b)	Failure to record king salmon or rainbow/steelhead trout landing (freshwaters of the Kenai penninsula)	100
5 AAC 58.015(b)	Failure to record king salmon or rainbow/steelhead trout landing (Cook Inlet-Resurrection Bay saltwater area)	100
5 AAC 61.015(b)	Failure to record king salmon landing (freshwaters of the Susitna-West Cook Inlet area)	100

SUPREME COURT ORDER NO. 778  
EFFECTIVE DATE: January 1, 1987  
PAGE TWO

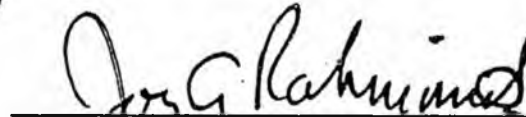
5 AAC 75.020	Sport fishing with more than one line	100
5 AAC 75.022(a) (1)	Using fixed or weighted hook - freshwater	100
5 AAC 75.022(a) (2)	Multiple hook with gap larger than $\frac{1}{2}$ " - freshwater	50
5 AAC 75.022(a) (4)	Unauthorized use of spear - sport fishing	100
5 AAC 75.022(a) (5)	Unauthorized use of arrow - sport fishing	100
5 AAC 75.022(c)	Attempt to snag - freshwater	100
5 AAC 75.022(c)	Fail to release - freshwater	100
5 AAC 92.010	Harvest ticket not in possession; fail to validate	100
5 AAC 92.012(a)	Taking waterfowl without federal duck stamp	75
5 AAC 92.012(a)	Unsigned federal duck stamp	25
5 AAC 92.018	Unsigned state duck stamp	25
5 AAC 92.020	Fail to submit required report	75
5 AAC 92.052(14)	Failure to submit registration permit hunt report	50
5 AAC 92.075(e) (1)	Taking migratory birds with shotgun capable of holding more than 3 shells	50
5 AAC 92.100(a) (1), (2) & (3)	Taking migratory birds by illegal methods	100
5 AAC 92.100(b)	Transportation of migratory bird without fully feathered wing or head attached	50
5 AAC 92.100(c)	Taking migratory birds before or after legal shooting hours	\$50 plus \$2/minute
5 AAC 92.150(a)	Possess mountain sheep without both horns	100

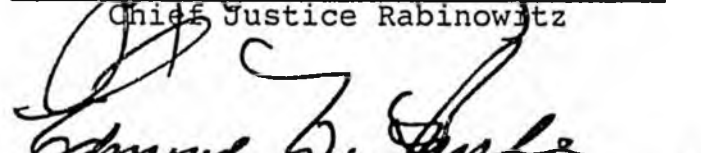
SUPREME COURT ORDER NO. 778  
EFFECTIVE DATE: January 1, 1987  
PAGE THREE

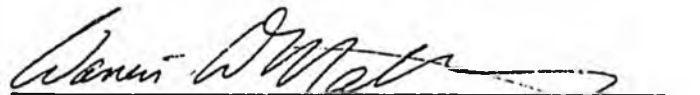
5 AAC 92.150(b)	No evidence of sex attached	100
5 AAC 92.165	Fail to seal bear or possess unsealed bear skin or skull	100
5 AAC 92.170	Fail to seal wolf, wolverine, lynx	100
5 AAC 92.200(d)	Fail to submit required report	75
5 AAC 92.230	Feeding game	50
5 AAC 92.410(b)	Fail to submit required report	75

DATED: November 13, 1986

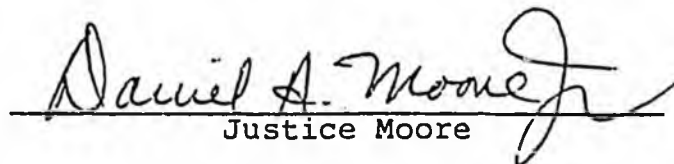
EFFECTIVE DATE: January 1, 1987

  
\_\_\_\_\_  
Chief Justice Rabinowitz

  
\_\_\_\_\_  
Justice Burke

  
\_\_\_\_\_  
Justice Matthews

\_\_\_\_\_  
Justice Compton

  
\_\_\_\_\_  
Justice Moore

IN THE SUPREME COURT FOR THE STATE OF ALASKA  
ORDER NO. 777

Adding new Administrative Rule 43.5 Alcohol Bail Forfeiture Schedule and repealing previous bail schedule order.

IT IS ORDERED:

Supreme Court Order No. 758 establishing a schedule of bail forfeiture amounts for a violation of AS 04.11.498 or an ordinance adopted under AS 04.11.498 is repealed.

Administrative Rule 43.5 is adopted to read as follows:

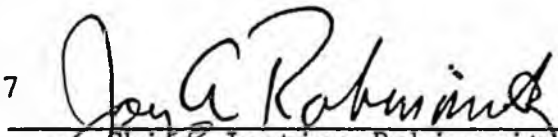
Administrative Rule 43.5. Alcohol Bail Forfeiture Schedule.

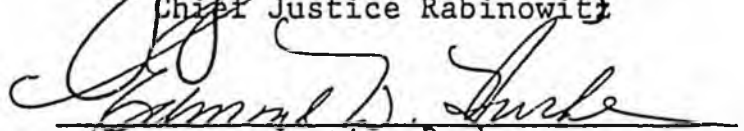
Pursuant to AS 04.16.205(c), the following bail forfeiture amount is established for violation of AS 04.11.498 or an ordinance adopted under this statute. If a person charged with this offense appears in court and is found guilty, the penalty imposed for a first or second offense may not exceed the bail amount listed below. An offense for which a bail forfeiture amount has been established shall be charged on a citation which meets the requirements of District Court Criminal Rule 8(c) and shall not be filed, numbered or processed as a criminal case.

<u>Statute or Ordinance</u>	<u>Description of Offense</u>	<u>Bail Forfeiture Amount</u>
AS 04.11.498 or an ordinance adopted under this statute	Possession of An Alcoholic Beverage in a Community Which Has Voted in a Local Option Election to Prohibit Such Possession	\$100 for first and second offense

DATED: November 13, 1986

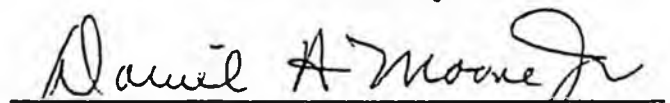
EFFECTIVE DATE: January 1, 1987

  
\_\_\_\_\_  
Chief Justice Rabinowitz

  
\_\_\_\_\_  
Justice Burke

  
\_\_\_\_\_  
Justice Matthews

\_\_\_\_\_  
Justice Compton

  
\_\_\_\_\_  
Justice Moore

IN THE SUPREME COURT FOR THE STATE OF ALASKA  
ORDER NO. 776

Adding new Administrative Rule 43.4 Smoking Bail Forfeiture Schedule and repealing previous bail schedule order.

IT IS ORDERED:

Supreme Court Order No. 595 adopting a bail schedule for violations of AS 18.35.300 and AS 18.35.330 is repealed.

Administrative Rule 43.4 is adopted to read as follows:

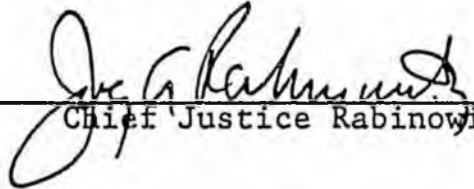
Administrative Rule 43.4. Smoking Bail Forfeiture Schedule.

Pursuant to AS 18.35.341(d), the following bail forfeiture amounts are established for violations of the laws prohibiting smoking in designated public places. If a person charged with one of these offenses appears in court and is found guilty, the penalty imposed for the offense may not exceed the bail amount for that offense listed below. An offense for which a bail forfeiture amount has been established shall be charged on a citation which meets the requirements of District Court Criminal Rule 8(c) and shall not be filed, numbered or processed as a criminal case.


<u>Statute</u>	<u>Description of Offense</u>	<u>Bail</u>
AS 18.35.300	Smoking in a vehicle or indoor place in which smoking is prohibited	\$10
AS 18.35.330	Failure to display smoking and no smoking signs	25

DATED: November 13, 1986

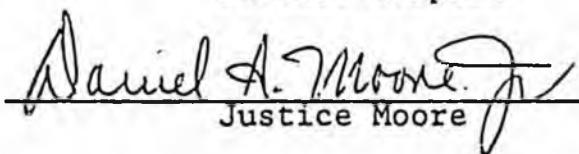
EFFECTIVE DATE: January 1, 1987

  
\_\_\_\_\_  
Chief Justice Rabinowitz

\_\_\_\_\_  
Justice Burke

  
\_\_\_\_\_  
Justice Matthews

\_\_\_\_\_  
Justice Compton

  
\_\_\_\_\_  
Justice Moore

IN THE SUPREME COURT FOR THE STATE OF ALASKA

ORDER NO. 775

Adding new Administrative Rule 43.1  
Traffic Bail Forfeiture Schedule and  
repealing previous state traffic bail  
schedule orders.

IT IS ORDERED:

The following prior orders adopting and amending the Uniform Traffic Bail Schedule are repealed: No. 200, Amendments 1 and 2 to No. 200, No. 385, No. 491 and the first paragraph of No. 681.

Administrative Rule 43.1 is adopted to read as follows:

Administrative Rule 43.1. Traffic Bail Forfeiture Schedule.

Pursuant to AS 28.05.151(b), the following vehicle and traffic offenses are amenable to disposition without court appearance upon payment and forfeiture of the bail amounts listed. If a person charged with one of these offenses appears in court and is found guilty, the penalty imposed for the offense may not exceed the bail amount for that offense listed below. An offense for which a bail forfeiture amount has been established shall be charged on a citation which meets the requirements of District Court Criminal Rule 8(c) and shall not be filed, numbered or processed as a criminal case.

<u>STATUTE OR REGULATION</u>	<u>DESCRIPTION OF OFFENSE</u>	<u>BAIL</u>
AS 05.30.010	Operating An Unregistered Snow Vehicle	20
AS 05.30.040(a)	Failure to Display Snow Vehicle Numbered Registration Decal	20
AS 28.10.451	Failure to Register Vehicle	50
AS 28.10.461	Plates/Decals/Permits Must Be Properly Attached and Displayed	20
AS 28.10.461	Failure to Carry Certificate of Registration in Vehicle	20
AS 28.10.471	Operating Vehicle w/Expired Registration	50
AS 28.15.011(b)	Driving With Expired License	30

<u>STATUTE OR REGULATION</u>	<u>DESCRIPTION OF OFFENSE</u>	<u>BAIL</u>
AS 28.35.031(e)	Refusal to Submit to a Preliminary Breath Test	50
AS 28.35.135(b)	Failure to Notify Dept. of Change of Name/Address	20
AS 28.35.140	Obstructing or Blocking Traffic	20
AS 28.35.180	Disobedience to Signal of Officer Regulating Traffic	30
AS 28.35.251	Contained or Confined Loads	100
13 AAC 02.005(a)	Disobedience to Traffic Control Devices	30
13 AAC 02.010(a)(1)(A&B)	FTY to Vehicle in Intersection After Green Signal	50
13 AAC 02.010(a)(1)(A&B)	FTY to Pedestrian in Crosswalk After Green Signal	50
13 AAC 02.010(a)(3)(A)	Failure to Stop for Steady Red Traffic Signal	50
13 AAC 02.010(a)(3)(B)	FTY When Turning on Red Signal	50
13 AAC 02.010(a)(3)(B)	Turning on Red Signal When Prohibited	30
13 AAC 02.010(a)(3)(C)	Failure to Stop for Steady Red Arrow	50
13 AAC 02.010(b)	Position of Vehicle Stopping at Intersection	30
13 AAC 02.015	Failure to Obey Pedestrian Control Signal	20
13 AAC 02.020(a)(1)	Failure to Yield After Stopping for Flashing Red Signal	50
13 AAC 02.020(a)(1)	Failure to Stop for Flashing Red Signal	50
13 AAC 02.025	Lane Use Control Signals	30
13 AAC 02.030(a)	Display of Unauthorized Signs, Signals, or Markings	20

<u>STATUTE OR REGULATION</u>	<u>DESCRIPTION OF OFFENSE</u>	<u>BAIL</u>
13 AAC 02.050(a)	Failure to Drive on Right Side of Roadway	30
13 AAC 02.050(a)(3)	FTY When Driving Left of Obstructed Roadway	50
13 AAC 02.050(b)	Vehicle Not to Use Left Lane at Less than Speed Limit	30
13 AAC 02.050(b)	Turn Off Required When 5 or More Vehicles Are Behind	50
13 AAC 02.055(a)	Improper Overtaking on Right	30
13 AAC 02.055(b)	Return to Lane Only When Clear	50
13 AAC 02.060(a)	Limitations on Driving Left of Center	30
13 AAC 02.065(a)	Improper Overtaking on the Left	30
13 AAC 02.065(a)	FTY to Overtaking Vehicle	50
13 AAC 02.065(b)	FTY to On-Coming Traffic When Passing	50
13 AAC 02.070	FTY 1/2 of Roadway to On-coming Vehicle and Failure to Pass on Right of On-coming Vehicle	50
13 AAC 02.075(b)	Passing/Driving Left of Center in No Pass Zone	50
13 AAC 02.080(b-c)	Wrong Way on One-Way Roadway	30
13 AAC 02.085(a)	Improper Lane Change	30
13 AAC 02.085(b)	Improper Use of Center Lane of 3-Lane Roadway	30
13 AAC 02.090(a-c)	Following Too Closely	50
13 AAC 02.095(a)	Driving Over, Across or Within Barrier/Median	50
13 AAC 02.095(a)	Failure to Stay on Right Side of Divided Highway	50
13 AAC 02.095(c)	Improper Entry/Exit-Controlled-Access Highway	30

<u>STATUTE OR REGULATION</u>	<u>DESCRIPTION OF OFFENSE</u>	<u>BAIL</u>
13 AAC 02.107	Drive Nearest Right Edge on Narrow/Winding Roadway	30
13 AAC 02.120(a)	FTY to Vehicle on Right at Unsigned Intersection	50
13 AAC 02.120(b)	FTY to Vehicle Entering Intersection After Stop	50
13 AAC 02.125	FTY When Turning Left	50
13 AAC 02.130(b)	Improper Position of Vehicle Stopping at Stop Sign	30
13 AAC 02.130(b-c)	FTY After Stopping or at Yield Sign	50
13 AAC 02.130(b)	Failure to Stop for Stop Sign	50
13 AAC 02.135(b)	FTY When Entering Roadway from Non-Roadway	50
13 AAC 02.140(c)	Driver of Emergency Vehicle Not to Disregard Safety	30
13 AAC 02.150(a-b)	Pedestrians Subject to Traffic Regulations	20
13 AAC 02.155(a)	FTY to Pedestrian in Crosswalk	50
13 AAC 02.155(b)	Pedestrian to Exercise Due Caution	20
13 AAC 02.155(c)	Vehicle Not to Pass Vehicle Stopped for Pedestrian	50
13 AAC 02.155(e)	Not to Drive Within or Through Pedestrian Safety Zone	30
13 AAC 02.160(a-f)	Pedestrian Crossing at Other than Crosswalks	20
13 AAC 02.175(a-e)	Pedestrian to Use Sidewalk/Left Edge of Roadway and Not Interfere, Sleep, Loiter or Obstruct	20
13 AAC 02.180	Pedestrian Not to Distract Drivers When Soliciting Rides and Pedestrian Not to Solicit Employment, Business or Contributions from Vehicle Occupants	20

<u>STATUTE OR REGULATION</u>	<u>DESCRIPTION OF OFFENSE</u>	<u>BAIL</u>
13 AAC 02.190(a)	FTY to Pedestrian w/White Cane/ Guide Dog	50
13 AAC 02.190(b)	Not to Use White Cane/Guide Dog Unless Blind	20
13 AAC 02.195(a)	Pedestrian FTY to Authorized Emergency Vehicle	20
13 AAC 02.200(a-c)	Improper Position/Method Turning at Intersection	30
13 AAC 02.205(a-b)	U-Turn Only When Safe/Not on Hill, Crest or Curve	30
13 AAC 02.210	Improper Start From Parked/ Stopped/Standing	30
13 AAC 02.215 (a-f)	Signals Required Turn/Stop/Slowing- Discontinue After	30
13 AAC 02.240 (a-b)	Obedience to Train Signals and Barriers	50
13 AAC 02.250(a)	Certain Vehicles to Stop at All Railroad Crossings	50
13 AAC 02.255 (a&b)	Heavy Equipment to Give Notice of RR Crossing	20
13 AAC 02.255 (a&c)	Heavy Equipment to Stop at RR Crossing	50
13 AAC 02.257	Give Warning w/Horn When Vision Restricted/Alley/Driveway/Bldgs.	30
13 AAC 02.257	Stop: Emerging from Alley/ Driveway/Building	50
13 AAC 02.257	Position of Stop When Emerging From Alley/Driveway/Bldg.	30
13 AAC 02.265	Stop When Traffic May be Obstructed	30
13 AAC 02.275(a)	Basic Speed: Reasonable & Prudent for Road Conditions	30
13 AAC 02.275(b)	Speeding: 3-9 mph over posted limit	4/mi.
	10-19 mph over posted limit	4/mi.

<u>STATUTE OR REGULATION</u>	<u>DESCRIPTION OF OFFENSE</u>	<u>BAIL</u>
13 AAC 02.280(a-d)	Altered Speed Limits: 3-9 mph over posted limit	4/mi.
	10-19 mph over posted limit	4/mi.
13 AAC 02.295	Minimum Speed Regulation	30
13 AAC 02.323(a)	Speed Limitation on Motor-Driven Cycles at Night	30
13 AAC 02.325(b),(c),(e)	Special Speed Limit When: Towing Mobile Home/Equipped with Lighted Headlights/ Passing School Bus with Flashing Yellow Lights	
	3-9 mph over	4/mi.
	10-19 mph over	4/mi.
13 AAC 02.325(f)	Overweight, Oversize or Excess Speed When Crossing Over Bridge or Through Tunnel	
	3-9 mph over	4/mi
	10-19 mph over	4/mi
	Overwidth	25/ft
	Overlength	10/ft
	Overweight	.05/lb
13 AAC 02.340(a-d)	Stopping/Standing/Parking on Highway/Other Location	10
13 AAC 02.365(a-g)	Additional Parking Regulations	10
13 AAC 02.367(d)	Not to Stop/Stand/Park in Loading Zone	10
13 AAC 02.372(b)	Position of Bus Stopping to Load/Unload Passengers	10
13 AAC 02.372(c)	Taxi Cab Restrictions on Standing/Parking	10
13 AAC 02.372(d)	Stop/Stand in Bus Stop/Taxi Stand	10
13 AAC 02.377(c-f)	Parking Meter Violations	7

<u>STATUTE OR REGULATION</u>	<u>DESCRIPTION OF OFFENSE</u>	<u>BAIL</u>
13 AAC 02.395(b-e)	Special Bicycle Violations	20
13 AAC 02.400(a-h)	Riding Bicycles on Roadways/ Bike Paths	20
13 AAC 02.420(a-c)	Parking of Bicycles	10
13 AAC 02.425(a-d)	Special Motorcycle Violations	30
13 AAC 02.427(a)	Motor Vehicle Not to Deprive Motorcycle of Full Lane Use	30
13 AAC 02.427(a)	Motorcycles More than Two Abreast	30
13 AAC 02.427(b)	Motorcycle Passing in Same Lane As Other Motor Vehicle	30
13 AAC 02.445	Snowmobile and Other Off-Highway Vehicle Violations	20
13 AAC 02.455(a-g)	Snowmobile and Other Off-Highway Vehicle Operation on Highways and Other Locations	20
13 AAC 02.480	Requirements for Unattended Motor Vehicle	20
13 AAC 02.482(a)	Bicycles/Pedestrians Traveling in Prohibited Area	20
13 AAC 02.482(a)	Driving a Motor Vehicle Where Prohibited	30
13 AAC 02.482(b)	Non-Motorized Vehicle to Yield to Traffic on Roadway	20
13 AAC 02.485(a-b)	Limitation on Backing	30
13 AAC 02.487	Driving Vehicle on Sidewalk	30
13 AAC 02.495(a-c)	Obstructing Driver's View/ Control of Vehicle	30
13 AAC 02.495(d)	Opening Doors/Entering or Leaving When Vehicle in Motion	20
13 AAC 02.495(e-f)	Person Riding Outside Vehicle Or In Trailer	20
13 AAC 02.497(a)	Interfering w/Funeral Procession	30

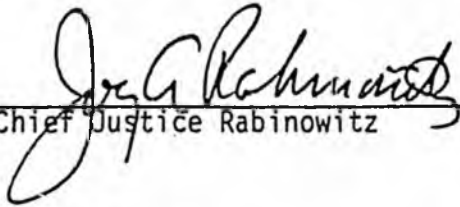
<u>STATUTE OR REGULATION</u>	<u>DESCRIPTION OF OFFENSE</u>	<u>BAIL</u>
13 AAC 02.497(b)	Requirements for Drivers in Funeral Procession	30
13 AAC 02.497(c)	Permit Requirements for Funeral Procession/Parade	20
13 AAC 02.505(d-e)	Motor Vehicle Drivers to Exercise Due Care Re Animals	30
13 AAC 02.515	Coasting Prohibited	30
13 AAC 02.517(a-g)	Emergency Vehicle Regulations	30
13 AAC 02.520(a)	Following Emergency Vehicle Closer Than 500 Feet	50
13 AAC 02.520(b)	Improper Stopping/Parking at Emergency Scene	20
13 AAC 02.520(c)	Crossing Fire Hose	30
13 AAC 02.530(d)	Haul/Drag Material Causing Damage to Highway	30
13 AAC 02.532	RR Trains Not to Block Roadways	20
13 AAC 02.545(a)	Drinking While Driving	50
13 AAC 02.545(b)	Drivers to Exercise Due Care to Avoid Collision	30
13 AAC 04.003	Minimum Equipment Required for Sale/Rent/Lease/Loan	20
13 AAC 04.004(a-c)	Sale or Use of Equipment	20
13 AAC 04.005	Disconnection/Alteration of Equipment	20
13 AAC 04.006(b-c)	Submit to Roadside Vehicle Inspection	30
13 AAC 04.009(a-c)	Prohibited Practices - Inspection/Repair	20
13 AAC 04.010	Illuminate Lights as Required	30
13 AAC 04.015(a)	Lights in Good Working Order/Not Obstructed	20
13 AAC 04.020(e)(1&2)	Headlight Dimming Requirements	30

<u>STATUTE OR REGULATION</u>	<u>DESCRIPTION OF OFFENSE</u>	<u>BAIL</u>
13 AAC 04.070(e)	Parking Lights Not Used When Vehicle in Motion	30
13 AAC 04.095(d),(g),(i)	Flashing Yellow Lights Used When Required	30
13 AAC 04.097(a)	Use of Flashing Red Light-School Bus	30
13 AAC 04.100(a-h)	Improper Use of Flashing Blue Lights	30
13 AAC 04.145(a-e)	Improper Use of Auxiliary/Spot Lights	30
13 AAC 04.210(a)	Failure to Give Audible Warning as Required	20
13 AAC 04.225(a-b)	View Not to be Obstructed	30
13 AAC 04.240(a-c)	Flares/Other Warning Devices Requirements	20
13 AAC 04.245(a-i)	Display of Warning Lights/Devices	20
13 AAC 04.247(d)	Improper Use of Signs/Stop Arm on School Bus	30
13 AAC 04.250(a),(d)	Requirements for Transporting Hazardous Material	20
13 AAC 04.250(b)	Give Notice of Transporting Hazardous Material	20
13 AAC 04.252(a-c)	Slow Moving Vehicle Emblem Requirements	20
13 AAC 04.260(a-c)	Restrictions on Television/Headset in Motor Vehicle	20
13 AAC 04.275(a-e)	Connections/Safety Devices-Towed Vehicles	20
13 AAC 04.320(d)	Lights Turned On When on Hwy-Motor Driven Cycle	30
13 AAC 04.350(a)	Helmet Required-Minors/Passengers (AS 28.35.245 exempts adults)	20
13 AAC 04.350(b)	Eye-Protective Device Required When No Windscreen	20

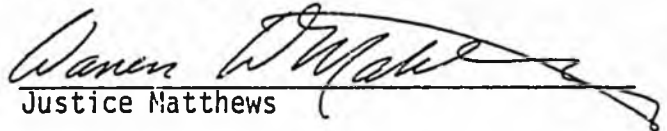
<u>STATUTE OR REGULATION</u>	<u>DESCRIPTION OF OFFENSE</u>	<u>BAIL</u>
13 AAC 04.350(c)	Minimum Equip. for Rent/Lease/ Loan of Motorcycle	20
13 AAC 06.020(a)	Refusing to Submit Vehicle to Inspection or Test	30
13 AAC 06.020(b)	Operating Vehicle After Being Directed to Have it Repaired	20
13 AAC 06.040(a)	Failure to Stop & Submit to Roadside Inspection	30
13 AAC 08.140	Unlawful Use of Classified License	30
17 AAC 40.030(a)(1)	Operate Vehicle in Accordance With General Rules at Airport	30
17 AAC 40.030(a)(2),(c)(3)	Speeding:	
	3-9 mph over prescribed limits	4/mi
	10-19 mph over prescribed limits	4/mi
17 AAC 40.030(b)(1-4)	For-Hire Vehicles Must Obtain Permit	20
17 AAC 40.030(b)(5)	For-Hire Vehicles Not to Solicit Passengers	20
17 AAC 40.030(c)(1)	Improper Operation on Runways, Taxiways, Etc.	30
17 AAC 40.030(c)(4)	Ramp Operator's Permit Required for Ramp Operation	20
17 AAC 40.030(d)(1)&(d)(3)	Illegal Parking/Abandoning Vehicle	10
17 AAC 40.030(d)(2)	Expired Parking Meter	7
17 AAC 40.030(e)	Improper Operation of Vehicle Inside Buildings	30
17 AAC 40.420(a)	Permit Required for Operation on Landing Area/Apron/Etc.	20
17 AAC 40.420(b)	Operate Vehicle For Disposing Garbage/Waste Material	20
17 AAC 40.440(b)	Vehicles to Have Proper Identification	20

DATED: November 13, 1986

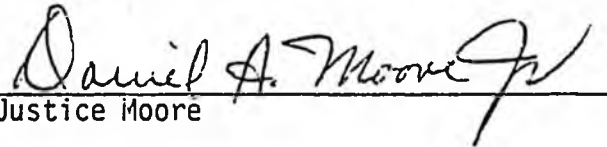
EFFECTIVE DATE: January 1, 1987

  
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Chief Justice Rabinowitz

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Justice Burke

  
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Justice Matthews

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Justice Compton

  
\_\_\_\_\_  
Justice Moore

IN THE SUPREME COURT FOR THE STATE OF ALASKA  
ORDER NO. 774

Adding new Administrative  
Rule 43.3 Parks Bail  
Forfeiture Schedule and  
repealing previous bail  
schedule order.

IT IS ORDERED:

Supreme Court Order No. 655 adopting the Uniform Statewide Bail Forfeiture Schedule for Offenses Within State Park and Recreational Facilities is repealed.

Administrative Rule 43.3 is adopted to read as follows:

Administrative Rule 43.3. Parks Bail Forfeiture Schedule.

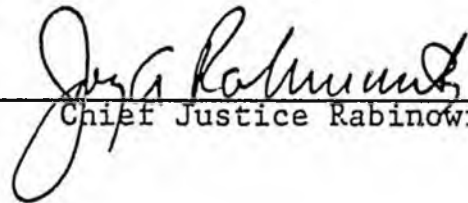
Pursuant to AS 41.21.960(b), the following offenses committed within a park or recreational facility are amenable to disposition without court appearance upon payment and forfeiture of the bail amounts listed. If a person charged with one of these offenses appears in court and is found guilty, the penalty imposed for the offense may not exceed the bail amount for that offense listed below. An offense for which a bail forfeiture amount has been established shall be charged on a citation which meets the requirements of District Court Criminal Rule 8(c) and shall not be filed, numbered or processed as a criminal case.

<u>Regulation</u>	<u>Description of Offense</u>	<u>Bail</u>
11 AAC 12.020	Traffic Control	\$ 50
11 AAC 12.050	Refuse and Waste	100
11 AAC 12.100	Vehicles	50
11 AAC 12.110	Motor Vehicle Operations	50
11 AAC 12.120	Horses	50
11 AAC 12.130	Pets	50
11 AAC 12.150	Construction of Signs	50
11 AAC 12.160	Assembly	50
11 AAC 12.180	Fires	50

11 AAC 12.190	Firearms and Other Weapons	100
11 AAC 12.195	Explosives	100
11 AAC 12.200	Underwater Diving	50
11 AAC 12.230(a)	Camping Outside Developed Campground	50
11 AAC 12.230(b)	Unauthorized Camping Over 15 Days	50
11 AAC 12.230(c)	Return to Campground in 15 Days or Less	200
11 AAC 12.240	Vandalism	100
11 AAC 12.245	Public Use Cabins	100
11 AAC 12.335(e)	Closures and Use Management	50
11 AAC 20.905	Use of Alcoholic Beverages	50

DATED: November 13, 1986

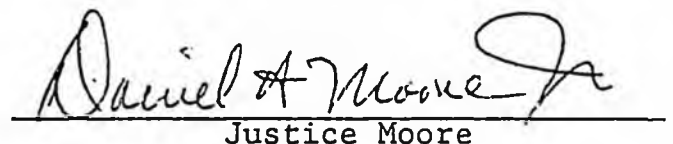
EFFECTIVE DATE: January 1, 1987

  
\_\_\_\_\_  
Chief Justice Rabinowitz

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Justice Burke

  
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Justice Matthews

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Justice Compton

  
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Justice Moore

H B

229

# STATE OF ALASKA THE LEGISLATURE

POUCH Y - STATE CAPITOL  
JUNEAU, ALASKA 99811  
907.465.3800

## LEGISLATIVE AFFAIRS AGENCY LEGISLATIVE REFERENCE LIBRARY

May, 1988

Copies of minutes listed below were originally included in this file. The minutes are available on the STAIRS database CMPR. In order to save space copies of minutes have not been left in the files.

Mary Van Nimwegen

H. JUD.	3-10-88	1:30 p.m.
H. JUD.	5-5-87	1:30 p.m.
H. JUD.	10-23-87	1:00 p.m. KETCH. CITY COUNCIL CHAMBERS
H. JUD.	2-16-88	1:30 p.m.

# HOUSE COMMITTEE REPORT

(7)

Date referred: 3/30/87

FURTHER REFERRALS: Finance

DATE: March 10, 1988

The Judiciary Committee has considered HB 229

"An Act relating to homicide by abuse."

**RECOMMENDS:**

- replace with CS HB 229 (Jud)  the same title
- attached amendment(s)  a new title
- do pass
- do not pass
- no recommendation
- individual recommendations
- additional referral to the \_\_\_\_\_ Committee

**ADOPTS:**  \_\_\_\_\_ letter of intent

**ATTACHES NEW FISCAL NOTE(S):**

- fiscal impact  same as previous fiscal note published \_\_\_\_\_
- zero fiscal note  same as previous zero fiscal note published \_\_\_\_\_
- zero with analysis

**SIGNING DO PASS:**

*[Handwritten signatures]*

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**SIGNING OTHER RECOMMENDATIONS:**

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Chairman's signature

Change Title to: "An Act defining murder in the first degree to include homicide by a pattern or practice of assault or torture of a child under the age of 16.

Sec. 11.41.100. is amended to read:

Murder in the first degree. (a) A person commits the crime of murder in the first degree if,

(1) with intent to cause the death of another person, the person

(i) causes the death of any person; or

(ii) compels or induces any person to commit suicide through duress or deception; or

(2) the person knowingly engages in a pattern or practice of torture or assault of a child under the age of 16 that results in the death of the child under circumstances manifesting extreme indifference to the value of human life.

(b) Murder in the first degree is an unclassified felony and is punishable as provided in A.S. 12.55.

Effective date?

5-0977B  
Chenoweth  
3/4/88

Original sponsors: Hudson, Ulmer,  
Larson, et al.

1 IN THE HOUSE

BY THE JUDICIARY COMMITTEE

2 CS FOR HOUSE BILL NO. 229 (Judiciary)

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 FIFTEENTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act amending the definition of murder in the  
7 first degree to include homicide by a pattern or  
8 practice of torture or assault of a child under the  
9 age of 16."

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

11 \* Section 1. AS 11.41.100(a) is amended to read:

12 (a) A person commits the crime of murder in the first degree if  
13 (1) . . . ] with intent to cause the death of another person,  
14 the person

15 (A) [(1)] causes the death of any person; or

16 (B) [(2)] compels or induces any person to commit  
17 suicide through duress or deception; or

18 (2) the person knowingly engages in a pattern or practice  
19 of torture or assault of a child under the age of 16 that results in  
20 the death of the child under circumstances manifesting extreme indif-  
21 ference to the value of human life.

Original sponsors: Hudson, Ulmer,  
Larson, et al.

1 IN THE HOUSE

BY THE JUDICIARY COMMITTEE

2 CS FOR HOUSE BILL NO. 229 (Judiciary)

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 FIFTEENTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act amending the definition of murder in the  
7 first degree to include homicide by a pattern or  
8 practice of assault or torture of a child under the  
9 age of 16."

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

11 \* Section 1. AS 11.41.100(a) is amended to read:

12 (a) A person commits the crime of murder in the first degree if

13 (1) [,] with intent to cause the death of another person,  
14 the person

15 (A) [(1)] causes the death of any person; or

16 (B) [(2)] compels or induces any person to commit  
17 suicide through duress or deception; or

18 (2) the person knowingly engages in a pattern or practice  
19 of assault or torture of a child under the age of 16 that results in  
20 the death of the child under circumstances manifesting extreme indif-  
21 ference to the value of human life; for purposes of this paragraph, a  
22 person "engages in a pattern or practice of assault or torture" if the  
23 person inflicts serious physical injury to the child in at least two  
24 separate instances.

25 \* Sec. 2. AS 11.41.115(a) is amended to read:

26 (a) In a prosecution under AS 11.41.100(a)(1)(A) [AS 11.41.-  
27 100(a)(1)] or 11.41.110(a)(1), it is a defense that the defendant  
28 acted in a heat of passion, before there had been a reasonable oppor-  
29 tunity for the passion to cool, when the heat of passion resulted from

1 a serious provocation by the intended victim.  
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5-0977B  
Chenoweth  
3/10/88

Original sponsors: Hudson, Ulmer,  
Larson, et al.

1 IN THE HOUSE

BY THE JUDICIARY COMMITTEE

2 CS FOR HOUSE BILL NO. 229 (Judiciary)  
3 IN THE LEGISLATURE OF THE STATE OF ALASKA  
4 FIFTEENTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act amending the definition of murder in the  
7 first degree to include homicide by a pattern or  
8 practice of torture of a child under the age of 16."

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

10 \* Section 1. AS 11.41.100(a) is amended to read:

11 (a) A person commits the crime of murder in the first degree if  
12 (1) [,] with intent to cause the death of another person,  
13 the person

14 (A) [(1)] causes the death of any person; or

15 (B) [(2)] compels or induces any person to commit  
16 suicide through duress or deception; or

17 (2) the person knowingly engages in a pattern or practice  
18 of torture of a child under the age of 16 that results in the death of  
19 the child under circumstances manifesting extreme indifference to the  
20 value of human life; for purposes of this paragraph, a person "engages  
21 in a pattern or practice of torture" if the person inflicts serious  
22 physical injury to the child in at least two separate instances.

23 \* Sec. 2. AS 11.41.115(a) is amended to read:

24 (a) In a prosecution under AS 11.41.100(a)(1)(A) [AS 11.41.-  
25 100(a)(1)] or 11.41.110(a)(1), it is a defense that the defendant  
26 acted in a heat of passion, before there had been a reasonable oppor-  
27 tunity for the passion to cool, when the heat of passion resulted from  
28 a serious provocation by the intended victim.