



LAWS OF ALASKA

1973

Source

SB 25

Chapter No.

31

AN ACT

Providing for the issuance of a citation for certain misdemeanors.

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

* Section 1. AS 12.25 is amended by adding new sections to read:

Sec. 12.25.180. WHEN PEACE OFFICER HAS OPTION TO TAKE PERSON BEFORE JUDGE OR MAGISTRATE. When a person is arrested for the commission of a misdemeanor or the violation of a municipal ordinance, he may, in the discretion of the arresting peace officer, be issued a citation instead of being taken before a judge or magistrate under sec. 150 of this chapter, unless

(1) the person does not furnish satisfactory evidence of identity or the arresting officer has reasonable and probable cause to believe the person will disregard a written promise to appear in court;

(2) the arresting officer has reasonable and probable cause to believe the person is a danger to himself or others;

(3) the crime for which the person is arrested is one involving violence or harm to another person or to property; or

(4) the person asks to be taken before a judge or magistrate under sec. 150 of this chapter.

Sec. 12.25.190. WHEN PERSON TO BE GIVEN FIVE-DAY NOTICE TO APPEAR IN COURT. (a) When a person is arrested and the arresting peace officer exercises the option provided for in sec. 180 of this chapter, the officer shall prepare a written citation and issue it to the arrested

person.

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

(c) The person arrested for the crime shall give his written promise to appear in court by signing at least one copy of the written citation prepared by the peace officer and the officer shall deliver a copy of the citation to the person.

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

Sec. 12.25.210. DISPOSITION AND RECORDS OF CITATIONS.

(a) A peace officer, upon issuing a citation to an alleged violator under sec. 180 of this chapter, shall deposit the original or a copy of the citation with a court having jurisdiction over the alleged offense.

(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.

(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.

(d) The chief administrative officer of each law enforcement agency shall require the return to him of a copy of every citation issued by an officer under his supervision to an alleged violator of a law or ordinance and of all copies of every citation which has been spoiled or upon which any entry has been made and not issued to an alleged violator.

(e) The chief administrative officer shall also maintain in connection with every citation issued by an officer under his supervision a record of the disposition of the charge by the court in which the original or copy of the citation was deposited.

Sec. 12.25.220. WHEN COPY OF CITATION CONSIDERED A LAWFUL COMPLAINT. If the form of citation provided under sec. 200 of this chapter includes information and is sworn to as required under the laws of this state in respect to a complaint charging commission of the offense alleged in the citation, then the citation when filed with a court having jurisdiction shall be considered to be a lawful complaint for the purpose of prosecution.

Sec. 12.25.230. FAILURE TO OBEY CITATION. A person

who violates his written promise to appear given to a peace officer upon the issuance of a citation under secs. 180 - 220 of this chapter, regardless of the disposition of the charge for which the citation was issued, is guilty of a misdemeanor and upon conviction is punishable by a fine of not more than \$1,000, or by imprisonment for not more than one year, or by both.

* Sec. 2. AS 12.25.150(a) is amended to read:

(a) Except as otherwise provided in sec. 180 of this chapter, the person arrested shall be taken before the judge or magistrate without unnecessary delay, and in any event within 24 hours after his arrest, including Sundays and holidays. This requirement shall apply to municipal police officers to the same extent as it does to state troopers.