

CS FOR HOUSE BILL NO. 108(JUD)

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-EIGHTH LEGISLATURE - SECOND SESSION

BY THE HOUSE JUDICIARY COMMITTEE

Offered: 4/13/14

Referred: Finance

Sponsor(s): REPRESENTATIVES PEGGY WILSON, Higgins, Millett

A BILL

FOR AN ACT ENTITLED

1 **"An Act relating to electronic citations; creating the electronic citation fund; and**
2 **providing for an effective date."**

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

4 *** Section 1.** AS 12.25 is amended by adding a new section to read:

5 **Sec. 12.25.205. Electronic citations.** A citation issued under AS 12.25.180, or
6 another law authorizing the issuance of a citation, may be created, executed,
7 transmitted, or stored electronically to the extent allowed under rules adopted by the
8 supreme court.

9 *** Sec. 2.** AS 12.55.039(a) is amended to read:

10 (a) In addition to any fine or other penalty prescribed by law, a defendant who
11 pleads guilty or nolo contendere to, forfeits bail for, or is convicted of a

12 (1) felony shall be assessed a surcharge of \$100;

13 (2) violation of a misdemeanor offense under AS 28.33.030,
14 28.33.031, AS 28.35.030, or 28.35.032, or a violation of a municipal ordinance

1 comparable to a misdemeanor offense under AS 28.33.030, 28.33.031, AS 28.35.030,
2 or 28.35.032 and adopted under AS 28.01.010, shall be assessed a surcharge of \$75;

3 (3) misdemeanor or a violation of a municipal ordinance if a sentence
4 of incarceration may be imposed for the misdemeanor or ordinance violation, other
5 than a provision identified in (2) of this subsection, shall be assessed a surcharge of
6 \$50;

7 (4) misdemeanor **or an offense defined as a minor offense under**
8 **rules adopted by the supreme court** for which a sentence of incarceration may not
9 be imposed [, A VIOLATION OR AN INFRACTION UNDER STATE LAW, OR A
10 VIOLATION OF A MUNICIPAL ORDINANCE IMPOSING A PENALTY
11 AUTHORIZED BY AS 29.25.070(a) IF A SENTENCE OF INCARCERATION
12 MAY NOT BE IMPOSED FOR THE ORDINANCE VIOLATION,] shall be assessed
13 a surcharge of **\$20** [\$10] if the fine or bail forfeiture amount for the offense is \$30 or
14 more.

15 * **Sec. 3.** AS 44.41.020(f) is amended to read:

16 (f) The Department of Public Safety shall establish by regulation standardized
17 forms for citations issued by law enforcement officers and other persons authorized by
18 law to issue citations in the state. **The department and the administrative director**
19 **of the Alaska Court System may enter into agreements with each other and with**
20 **other state agencies and municipalities to provide a statewide system to**
21 **administer electronic citations, subject to AS 12.25.175 - 12.25.230 and rules**
22 **adopted by the supreme court.**

23 * **Sec. 4.** AS 44.41 is amended by adding a new section to read:

24 **Sec. 44.41.027. Electronic citation fund.** The electronic citation fund is
25 created in the general fund. The fund consists of appropriations made by the
26 legislature to the fund. The legislature may appropriate to the fund 50 percent of the
27 annual estimated balance in the accounts maintained under AS 37.05.142 for money
28 collected as the result of a surcharge assessed under AS 12.55.039(a)(4). The
29 legislature may make appropriations from the fund to the Department of Public Safety
30 for the purchase and maintenance of equipment and supplies that are used by the state
31 or by municipalities to issue electronic citations. Nothing in this section creates a

1 dedicated fund.

2 * **Sec. 5.** The uncodified law of the State of Alaska is amended by adding a new section to
3 read:

4 **APPLICABILITY.** AS 12.55.039(a), as amended by sec. 2 of this Act, applies to pleas
5 of guilty, pleas of nolo contendere, bail forfeitures, or convictions that occur on or after the
6 effective date of sec. 2 of this Act.

7 * **Sec. 6.** The uncodified law of the State of Alaska is amended by adding a new section to
8 read:

9 **REGULATIONS.** The Department of Public Safety may adopt regulations necessary
10 to implement the changes made by this Act. The regulations take effect under AS 44.62
11 (Administrative Procedure Act), but not before the effective date of the law implemented by
12 the regulation.

13 * **Sec. 7.** Section 6 of this Act takes effect immediately under AS 01.10.070(c).

14 * **Sec. 8.** Except as provided in sec. 7 of this Act, this Act takes effect November 1, 2014.