

CS FOR HOUSE BILL NO. 386(JUD)

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-SIXTH LEGISLATURE - SECOND SESSION

BY THE HOUSE JUDICIARY COMMITTEE

Offered: 3/19/10

Referred: Finance

Sponsor(s): REPRESENTATIVE HAWKER

A BILL

FOR AN ACT ENTITLED

1 **"An Act establishing a uniform format and procedure for citations for certain violations**
2 **of state law; relating to the form, issuance, and disposition of citations for certain**
3 **violations; relating to certain crimes and penalties for noncompliance with citations; and**
4 **providing for an effective date."**

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

6 * **Section 1.** AS 04.16.205(a) is amended to read:

7 (a) A person who possesses alcoholic beverages in a municipality or
8 established village in violation of AS 04.11.501 or an ordinance adopted under
9 AS 04.11.501 may, upon conviction, be punished by a fine not to exceed \$1,000 and
10 shall forfeit the seized alcoholic beverages. When a peace officer stops or contacts a
11 person concerning a violation of AS 04.11.501 or an ordinance adopted under
12 AS 04.11.501, the peace officer shall seize the alcoholic beverages and may issue a
13 citation to the person as provided in AS 12.25.175 - 12.25.230 [AS 12.25.180].

14 * **Sec. 2.** AS 04.16.205(b) is amended to read:

1 (b) **If a** [A] person cited for a violation of AS 04.11.501 or an ordinance
 2 adopted under AS 04.11.501 for which a bail amount has been established under (c) of
 3 this section **does not contest the citation, the person** may, within 30 days after the
 4 date the citation is issued,

5 (1) mail or personally deliver to the clerk of the court in which the
 6 citation is filed by the peace officer the amount of bail indicated on the citation and a
 7 copy of the citation indicating that the right to an appearance is waived, a plea of no
 8 contest is entered, and the bail and all alcoholic beverages seized are forfeited; or

9 (2) perform community work in lieu of payment of the fine or a
 10 portion of the fine as provided in (d) of this section.

11 * **Sec. 3.** AS 04.16.205(f) is repealed and reenacted to read:

12 (f) A person cited under this section is guilty of failure to obey a citation under
 13 AS 12.25.230 if the person fails to pay the fine, appear in court as required, or provide
 14 proof of performance to the court as specified in (d)(1) of this section.

15 * **Sec. 4.** AS 04.21.065(d) is amended to read:

16 (d) A peace officer may issue a citation for a violation of this section. The
 17 provisions of **AS 12.25.175 - 12.25.230** [AS 12.25.180(b) AND 12.25.190 -
 18 12.25.230] apply to the issuance of a citation under this subsection.

19 * **Sec. 5.** AS 04.21.065(h) is amended to read:

20 (h) **If a** [A] person cited for a violation under this section **does not contest the**
 21 **citation, the person** may, **on or before the 30th day** [WITHIN 15 DAYS] after the
 22 date of the citation, mail or personally deliver to the clerk of the court in which the
 23 citation is filed

24 (1) the amount of bail indicated on the citation for the violation; and

25 (2) a copy of the citation indicating that the right to an appearance is
 26 waived, a plea of no contest is entered, and the bail is forfeited.

27 * **Sec. 6.** AS 04.21.065(j) is repealed and reenacted to read:

28 (j) A person cited under this section is guilty of failure to obey a citation under
 29 AS 12.25.230 if the person fails to pay the bail amount established under (g) of this
 30 section or to appear in court as required.

31 * **Sec. 7.** AS 05.25.080(b) is amended to read:

1 (b) A peace officer may enforce this chapter and regulations adopted under
 2 this chapter and, in the exercise of enforcement, may stop and, if the peace officer has
 3 probable cause to believe a violation of this chapter has occurred, may board a boat
 4 subject to this chapter. A peace officer may issue a citation as provided in
 5 AS 12.25.175 - 12.25.230 [AS 12.25.180] to a person who violates a provision of this
 6 chapter.

7 * **Sec. 8.** AS 05.25.080, as repealed and reenacted by sec. 18, ch. 28, SLA 2000, is amended
 8 to read:

9 **Sec. 05.25.080. Enforcement.** A peace officer may enforce this chapter and, in
 10 the exercise of enforcement, may stop and, if the peace officer has probable cause to
 11 believe a violation of this chapter has occurred, board watercraft subject to this
 12 chapter. A peace officer may issue a citation as provided in AS 12.25.175 -
 13 12.25.230 to a person who violates a provision of this chapter.

14 * **Sec. 9.** AS 08.01.102 is amended to read:

15 **Sec. 08.01.102. Citation for unlicensed practice or activity.** The department
 16 may issue a citation for a violation of a license requirement under this chapter, except
 17 a requirement to have a license under AS 43.70, if there is probable cause to believe a
 18 person has practiced a profession or engaged in business for which a license is
 19 required without holding the license. Each day a violation continues after a citation for
 20 the violation has been issued constitutes a separate violation. A citation issued under
 21 this section must comply with the standards adopted under AS 12.25.175 -
 22 12.25.230.

23 * **Sec. 10.** AS 08.01.103(a) is amended to read:

24 (a) [A CITATION ISSUED UNDER AS 08.01.102 MUST BE IN
 25 WRITING.] A person receiving the citation issued under AS 08.01.102 is not
 26 required to sign a notice to appear in court.

27 * **Sec. 11.** AS 08.01.103(b) is amended to read:

28 (b) The time specified in the notice to appear on a citation issued under
 29 AS 08.01.102 shall be at least five working days [, NOT INCLUDING WEEKENDS
 30 AND HOLIDAYS,] after the issuance of the citation [, UNLESS THE PERSON
 31 CITED REQUESTS AN EARLIER HEARING].

1 * **Sec. 12.** AS 08.01.103(d) is amended to read:

2 (d) **On or before the 10th working day after the issuance of a citation, the**
3 [THE] department shall deposit the original or a copy of the citation with a court
4 having jurisdiction over the alleged offense. Upon its deposit with the court, the
5 citation may be disposed of only by trial in the court or other official action taken by
6 the magistrate, judge, or prosecutor. The department may not dispose of a citation,
7 copies of it, or [OF] the record of its issuance except as required under this subsection
8 and (e) of this section.

9 * **Sec. 13.** AS 08.01.103(f) is repealed and reenacted to read:

10 (f) A citation issued under AS 08.01.102 is considered to be a lawful
11 complaint for the purpose of prosecution.

12 * **Sec. 14.** AS 08.18.118(a) is amended to read:

13 (a) A citation issued under this chapter must **comply with AS 12.25.175 -**
14 **12.25.230** [BE IN WRITING]. A person receiving the citation is not required to sign a
15 notice to appear in court.

16 * **Sec. 15.** AS 08.18.118(b) is amended to read:

17 (b) The time specified in the notice to appear on a citation issued under this
18 chapter must be at least five **working** days [, NOT INCLUDING WEEKENDS AND
19 HOLIDAYS,] after the issuance of the citation [, UNLESS THE PERSON CITED
20 REQUESTS AN EARLIER HEARING].

21 * **Sec. 16.** AS 08.18.118(f) is repealed and reenacted to read:

22 (f) A citation issued under this chapter is considered to be a lawful complaint
23 for the purpose of prosecution.

24 * **Sec. 17.** AS 08.40.340 is amended to read:

25 **Sec. 08.40.340. Issuance of citations.** The department may issue a citation
26 **that complies with AS 12.25.175 - 12.25.230** for a violation if there is probable cause
27 to believe a person has violated AS 08.40.210 - 08.40.490. Each day a violation
28 continues after a citation for the violation has been issued constitutes a separate
29 violation.

30 * **Sec. 18.** AS 08.40.350(a) is amended to read:

31 (a) [A CITATION ISSUED UNDER AS 08.40.340 MUST BE IN

1 WRITING.] A person receiving the citation **under AS 08.40.340** is not required to
2 sign a notice to appear in court.

3 * **Sec. 19.** AS 08.40.350(b) is amended to read:

4 (b) The time specified in the notice to appear on a citation issued under
5 AS 08.40.340 must be at least five **working** days [, NOT INCLUDING WEEKENDS
6 AND HOLIDAYS,] after the issuance of the citation [, UNLESS THE PERSON
7 CITED REQUESTS AN EARLIER HEARING].

8 * **Sec. 20.** AS 08.40.350(f) is repealed and reenacted to read:

9 (f) A citation issued under AS 08.40.340 is considered to be a lawful
10 complaint for the purpose of prosecution.

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

12 **Sec. 12.25.175. Uniform citation format and procedure.** (a)

13 Notwithstanding any contrary provision of law, a citation issued by a peace officer and
14 by another person who is authorized by law to issue a citation in the state must comply
15 with standards concerning uniform citation format and procedure adopted by the
16 Department of Public Safety. The standards must include

17 (1) a statewide numbering system for citations;

18 (2) a requirement that a citation be made upon oath or affirmation
19 before a person authorized by law to administer oaths or affirmations or signed with a
20 certification under penalty of perjury that the citation is true and was personally served
21 on the person charged;

22 (3) a requirement that the citation contain information required by
23 AS 12.25.200(b).

24 (b) The commissioner of public safety shall provide or prescribe citation
25 forms for use by peace officers and other persons who are authorized by law to issue
26 citations.

27 (c) The commissioner of public safety shall adopt regulations under AS 44.62
28 to implement this section.

29 * **Sec. 22.** AS 12.25.180 is amended to read:

30 **Sec. 12.25.180. When peace officer may issue citation or take person**
31 **before the court.** (a) When a **peace officer stops or contacts a** person [IS STOPPED

1 OR CONTACTED BY A PEACE OFFICER] for the commission of a misdemeanor
 2 or the violation of a municipal ordinance, the officer [PERSON] may, in the officer's
 3 discretion, issue [OF THE CONTACTING PEACE OFFICER, BE ISSUED] a
 4 citation to the person instead of taking the person [BEING TAKEN] before a judge
 5 or magistrate under AS 12.25.150, unless

6 (1) the person does not furnish satisfactory evidence of identity;

7 (2) the contacting officer reasonably believes [HAS REASONABLE
 8 AND PROBABLE CAUSE TO BELIEVE] the person is a danger to self or others;

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

11 (4) the person asks to be taken before a judge or magistrate under
 12 AS 12.25.150; or

13 (5) the peace officer has probable cause to believe the person
 14 committed a crime involving domestic violence; in this paragraph, "crime involving
 15 domestic violence" has the meaning given in AS 18.66.990.

16 (b) When a [PERSON IS STOPPED OR CONTACTED BY A] peace officer
 17 stops or contacts a person for the commission of an infraction or a violation, the
 18 officer [PERSON] shall issue [BE ISSUED] a citation instead of taking the person
 19 [BEING TAKEN] before a judge or magistrate under AS 12.25.150, unless

20 (1) the person does not furnish satisfactory evidence of identity; or

21 (2) the person refuses to accept service of the citation [OR TO GIVE
 22 A WRITTEN PROMISE TO APPEAR AS PROVIDED FOR UNDER
 23 AS 12.25.190(c)].

24 * **Sec. 23.** AS 12.25.190 is amended to read:

25 **Sec. 12.25.190. When person to be given five-day notice to appear in court.**

26 (a) When a person is contacted by a peace officer and the peace officer exercises one
 27 of the options [OPTION] provided for in AS 12.25.180, the officer shall prepare a
 28 written citation and issue it to the person.

29 (b) The time specified in the notice to appear shall be at least five working
 30 days after [THE ALLEGED VIOLATION OR] the issuance of the citation [,
 31 WHICHEVER IS LATER, UNLESS THE PERSON CITED REQUESTS AN

1 EARLIER HEARING].

2 (c) The person cited [FOR THE CRIME] shall **accept** [GIVE A WRITTEN
3 PROMISE TO APPEAR IN COURT BY SIGNING] at least one copy of the written
4 citation prepared by the peace officer [, AND THE OFFICER SHALL DELIVER A
5 COPY OF THE CITATION TO THE PERSON. THE WRITTEN PROMISE
6 REQUIREMENT OF THIS SUBSECTION DOES NOT APPLY TO BOATING
7 CITATIONS FOR WHICH A BAIL SCHEDULE HAS BEEN ESTABLISHED
8 UNDER AS 05.25.090(c), MOTOR VEHICLE AND TRAFFIC CITATIONS FOR
9 WHICH A BAIL OR FINE SCHEDULE HAS BEEN ESTABLISHED UNDER
10 AS 28.05.151, FISH AND GAME CITATIONS FOR WHICH A BAIL SCHEDULE
11 HAS BEEN ESTABLISHED UNDER AS 16.05.165, CITATIONS ISSUED UNDER
12 AS 04.21.065, CITATIONS FOR SKIING VIOLATIONS ISSUED UNDER
13 AS 05.45.100, CITATIONS ISSUED UNDER AS 18.35.341, CITATIONS ISSUED
14 IN STATE PARK AND RECREATIONAL FACILITIES UNDER AS 41.21.960, OR
15 LITTERING CITATIONS ISSUED UNDER AS 46.06.080].

16 * **Sec. 24.** AS 12.25.190(c), as repealed and reenacted by sec. 26, ch. 28, SLA 2000, and by
17 sec. 41, ch. 12, SLA 2006, is amended to read:

18 (c) The person cited [FOR THE CRIME] shall **accept** [GIVE A WRITTEN
19 PROMISE TO APPEAR IN COURT BY SIGNING] at least one copy of the written
20 citation prepared by the peace officer [, AND THE OFFICER SHALL DELIVER A
21 COPY OF THE CITATION TO THE PERSON. THE WRITTEN PROMISE
22 REQUIREMENT OF THIS SUBSECTION DOES NOT APPLY TO MOTOR
23 VEHICLE AND TRAFFIC CITATIONS FOR WHICH A BAIL OR FINE
24 SCHEDULE HAS BEEN ESTABLISHED UNDER AS 28.05.151, FISH AND
25 GAME CITATIONS FOR WHICH A BAIL SCHEDULE HAS BEEN
26 ESTABLISHED UNDER AS 16.05.165, CITATIONS ISSUED UNDER
27 AS 04.21.065, CITATIONS FOR SKIING VIOLATIONS ISSUED UNDER
28 AS 05.45.100, CITATIONS ISSUED UNDER AS 18.35.341, CITATIONS ISSUED
29 IN STATE PARK AND RECREATIONAL FACILITIES UNDER AS 41.21.960, OR
30 LITTERING CITATIONS ISSUED UNDER AS 46.06.080].

31 * **Sec. 25.** AS 12.25.195(a) is amended to read:

1 (a) **If a** [A] person cited for an offense for which a scheduled amount of bail
 2 or a fine has been established **does not contest the citation, the person** may mail or
 3 personally deliver to the clerk of the court with appropriate jurisdiction if aailable
 4 offense, or to the clerk of the municipality that issued the citation if a scheduled
 5 municipal fine, the amount of the bail or fine indicated on the citation for the offense
 6 together with a copy of the citation signed by the person indicating the person's waiver
 7 of court appearance, entry of plea of no contest, and forfeiture of bail or fine. **The**
 8 **citation with the bail or fine shall be mailed or personally delivered on or before**
 9 **the 30th day after the date the citation was issued** [A MOTOR VEHICLE OR
 10 TRAFFIC CITATION MAY BE MAILED OR PERSONALLY DELIVERED
 11 WITHIN FIVE DAYS OF THE DATE OF THE CITATION. A CITATION FOR A
 12 SCHEDULED OFFENSE OTHER THAN A MOTOR VEHICLE OR TRAFFIC
 13 CITATION MAY BE MAILED OR PERSONALLY DELIVERED WITHIN 15
 14 DAYS OF THE DATE OF THE CITATION].

15 * **Sec. 26.** AS 12.25.200 is amended to read:

16 **Sec. 12.25.200. Form for citations.** (a) The chief administrative officer of
 17 each law enforcement agency **or other agency authorized to issue citations** in the
 18 state is responsible for the issuance of books containing appropriate citations, and shall
 19 maintain a record of each book and each citation contained in it and shall require and
 20 retain a receipt for every book issued to a peace officer **or other person authorized to**
 21 **issue citations.**

22 (b) A citation issued under AS 12.25.180 **or other law authorizing the**
 23 **issuance of a citation** must indicate, **if applicable,**

24 (1) the amount of bail or fine and the surcharge applicable to the
 25 offense;

26 (2) the procedure a person must follow in responding to the citation;

27 (3) that, if the person fails to pay the bail or fine, the person must
 28 appear in court;

29 (4) that failure to pay the bail or fine or appear in court for an offense
 30 involving a moving motor vehicle may result in

31 (A) suspension of the person's driver's license, privilege to

1 drive, or privilege to obtain a license; or

2 (B) attachment of the person's permanent fund dividend to pay
3 the fine plus court and collection costs under AS 28.05.155; and

4 (5) that the person has a right to

5 (A) a trial;

6 (B) engage counsel;

7 (C) confront and question witnesses;

8 (D) testify; [AND]

9 (E) subpoena witnesses on the person's behalf.

10 * **Sec. 27.** AS 12.25.210(a) is amended to read:

11 (a) A peace officer **or other person authorized by law to issue a citation,**
12 upon issuing a citation to an alleged violator under AS 12.25.180 **or other law, on or**
13 **before the 10th working day after issuance,** shall deposit the original or a copy of
14 the citation with a court having jurisdiction over the alleged offense. If the citation
15 charges an offense under a municipal ordinance for which a scheduled fine has been
16 established, the peace officer shall deposit the original or a copy of the citation with
17 the clerk of the municipality that issued the citation, unless otherwise provided under
18 rule adopted by the supreme court. **Failure to file the citation within the prescribed**
19 **time is not a basis for dismissal of the citation.**

20 * **Sec. 28.** AS 12.25.210(d) is amended to read:

21 (d) The chief administrative officer of each law enforcement **or other** agency
22 shall require each officer **or other person** in the agency to **retain** [RETURN] a copy
23 of every citation issued by the officer **or other person** to an alleged violator of a law
24 or ordinance and all copies of every citation that has been spoiled or upon which any
25 entry has been made and not issued to an alleged violator.

26 * **Sec. 29.** AS 12.25.210(e) is amended to read:

27 (e) The chief administrative officer of each law enforcement **or other** agency
28 shall also maintain, in connection with every citation issued by an officer **or other**
29 **person** in the agency, a record of the disposition of the charge by the court in which
30 the original or copy of the citation was deposited.

31 * **Sec. 30.** AS 12.25.230(a) is amended to read:

1 (a) Except as provided in (b) of this section **or otherwise specifically**
 2 **provided by law**, a person who fails to appear in court to answer the citation,
 3 regardless of the disposition of the charge for which the citation was issued, is guilty
 4 of a **class A** misdemeanor [AND UPON CONVICTION IS PUNISHABLE BY A
 5 FINE OF NOT MORE THAN \$1,000, OR BY IMPRISONMENT FOR NOT MORE
 6 THAN ONE YEAR, OR BY BOTH].

7 * **Sec. 31.** AS 12.25.230(b) is repealed and reenacted to read:

8 (b) A person who fails to pay the bail or fine or appear in court in response to
 9 a citation for which a scheduled bail or fine is established, regardless of the disposition
 10 of the charge for which the citation was issued, is guilty of a class B misdemeanor.

11 * **Sec. 32.** AS 16.05.165(a) is amended to read:

12 (a) When a peace officer stops or contacts a person concerning a violation of
 13 this title except AS 16.51 and AS 16.52 or of a regulation adopted under this title
 14 except AS 16.51 and AS 16.52 that is a misdemeanor, the peace officer may, in the
 15 officer's discretion, issue a citation to the person as provided in **AS 12.25.175 -**
 16 **12.25.230** [AS 12.25.180].

17 * **Sec. 33.** AS 16.05.165(c) is amended to read:

18 (c) **If a** [A] person cited for a misdemeanor for which a bail amount has been
 19 established under (b) of this section **does not contest the citation, the person** may,
 20 **on or before the 30th day** [WITHIN 15 DAYS] after the date of the citation, mail or
 21 personally deliver to the clerk of the court in which the citation is filed by the peace
 22 officer

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

24 (2) a copy of the citation indicating that the right to an appearance is
 25 waived, a plea of no contest is entered, and the bail is forfeited.

26 * **Sec. 34.** AS 16.05.165(e) is repealed and reenacted to read:

27 (e) A person cited under this section is guilty of failure to obey a citation
 28 under AS 12.25.230 if the person fails to pay the bail amount established under (b) of
 29 this section or fails to appear in court as required.

30 * **Sec. 35.** AS 18.35.341(a) is amended to read:

31 (a) A peace officer may issue a citation for a violation of AS 18.35.300 or

1 18.35.305 committed in the officer's presence or for a violation of AS 18.35.330. The
 2 provisions of AS 12.25.175 - 12.25.230 [AS 12.25.180(b) AND 12.25.190 -
 3 12.25.230] apply to the issuance of a citation under this subsection.

4 * **Sec. 36.** AS 18.35.341(e) is amended to read:

5 (e) **If a** [A] person cited for a violation under this section **does not contest the**
 6 **citation, the person** may, **on or before the 30th day** [WITHIN 15 DAYS] after the
 7 date of the citation, mail or personally deliver to the clerk of the court in which the
 8 citation is filed

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

10 (2) a copy of the citation indicating that the right to an appearance is
 11 waived, a plea of no contest is entered, and the bail is forfeited.

12 * **Sec. 37.** AS 18.35.341(g) is repealed and reenacted to read:

13 (g) A person cited under this section is guilty of failure to obey a citation
 14 under AS 12.25.230 if the person fails to pay the bail amount established under (d) of
 15 this section or fails to appear in court as required.

16 * **Sec. 38.** AS 28.01.010(h) is amended to read:

17 (h) A municipality may issue a citation for a traffic offense only if the citation
 18 complies with the provisions of AS 12.25.175 and 12.25.200 [AS 12.25.200].

19 * **Sec. 39.** AS 28.05.041(a) is amended to read:

20 (a) The commissioner of administration shall prescribe and provide suitable
 21 application forms, certificates of title and registration, driver's licenses, and all other
 22 forms necessary to carry out the provisions of this title and regulations adopted under
 23 this title, the administration of which is vested in the Department of Administration.
 24 The commissioner of public safety shall prescribe and provide suitable forms
 25 necessary to carry out the provisions of this title and regulations adopted under this
 26 title, the administration of which is vested in the Department of Public Safety,
 27 including a standard citation form that meets the requirements of AS 12.25.175 and
 28 12.25.200 [AS 12.25.200] and that is in a form necessary to identify the offender and
 29 the offense and otherwise necessary to meet the needs of the public safety and the
 30 administration of justice as required under AS 12.25.175 and 12.25.200 [THAT
 31 SECTION].

1 * **Sec. 40.** AS 28.32.010(b) is amended to read:

2 (b) A peace officer, or an employee of the Department of Public Safety who is
3 authorized by the commissioner of that department to enforce both hazardous
4 materials and commercial vehicle safety regulations, may issue a citation under
5 **AS 12.25.175 - 12.25.230** [AS 12.25.180 - 12.25.230] to a person who violates a
6 regulation adopted under AS 28.05.011(a)(2). An employee of the Department of
7 Public Safety who is authorized by the commissioner of public safety to enforce both
8 hazardous materials and commercial vehicle safety regulations may not take a person
9 into custody under AS 12.25.180(b).

10 * **Sec. 41.** AS 41.21.960(a) is amended to read:

11 (a) When a peace officer stops or contacts a person concerning the
12 commission of a misdemeanor offense committed within a park or recreational facility
13 subject to the department's supervision, the officer may issue a citation to the person,
14 subject to the provisions of **AS 12.25.175 - 12.25.230** [AS 12.25.180 - 12.25.230]. The
15 person receiving the citation may not be required to endorse the citation.

16 * **Sec. 42.** AS 41.21.960(c) is amended to read:

17 (c) **If a** [A] person cited for an offense for which a bail amount has been
18 established under (b) of this section **does not contest the citation, the person** may,
19 **on or before the 30th day after** [WITHIN 15 DAYS FROM] the date of the citation,
20 mail or personally deliver to the clerk of the court having jurisdiction over the place
21 where the offense occurred

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

23 (2) a copy of the citation indicating the offender's waiver of
24 appearance, plea of no contest, and direction to forfeit the bail and any items seized
25 from the offender.

26 * **Sec. 43.** AS 41.21.960(e) is repealed and reenacted to read:

27 (e) A person cited under this section is guilty of failure to obey a citation
28 under AS 12.25.230 if the person fails to pay the bail amount established under (b) of
29 this section or fails to appear in court as required.

30 * **Sec. 44.** AS 41.23.210(b) is amended to read:

31 (b) A person designated in (a) of this section may, when enforcing the

1 provisions of AS 41.23.180 - 41.23.230 or a regulation adopted under AS 41.23.180 -
2 41.23.230,

3 (1) execute a warrant or other process issued by an officer or court of
4 competent jurisdiction;

5 (2) administer or take an oath, affirmation, or affidavit; and

6 (3) **issue a citation or** arrest a person who violates a provision of
7 AS 41.23.180 - 41.23.230 or a regulation adopted under AS 41.23.180 - 41.23.230.

8 * **Sec. 45.** AS 41.23.210 is amended by adding a new subsection to read:

9 (c) A citation issued under (b) of this section must comply with the provisions
10 of AS 12.25.175 - 12.25.230.

11 * **Sec. 46.** AS 44.29.094(a) is amended to read:

12 (a) A citation issued under AS 44.29.092 must **comply with the standards**
13 **adopted under AS 12.25.175 and 12.25.200** [BE IN WRITING] and must contain a
14 notice to appear in court. A person receiving the citation is not required to sign the
15 notice.

16 * **Sec. 47.** AS 44.29.094(b) is amended to read:

17 (b) The time specified in the notice to appear in court on the citation shall be
18 at least five **working** days [, NOT INCLUDING WEEKENDS AND HOLIDAYS,]
19 after the issuance of the citation [, UNLESS THE PERSON CITED REQUESTS AN
20 EARLIER APPEARANCE IN COURT].

21 * **Sec. 48.** AS 44.29.094(f) is repealed and reenacted to read:

22 (f) A citation issued under AS 44.29.092 is considered to be a lawful
23 complaint for the purpose of prosecution.

24 * **Sec. 49.** AS 44.41.020 is amended by adding a new subsection to read:

25 (f) The Department of Public Safety shall establish by regulation standardized
26 forms for citations issued by law enforcement officers and other persons authorized by
27 law to issue citations in the state.

28 * **Sec. 50.** AS 45.75.131(b) is amended to read:

29 (b) A citation issued under this section must **comply with the standards**
30 **adopted under AS 12.25.175 - 12.25.230** [BE IN WRITING]. A person receiving the
31 citation is not required to sign a promise to appear in court.

1 * **Sec. 51.** AS 45.75.131(c) is amended to read:

2 (c) The time specified in the notice to appear on a citation issued under this
3 section must be at least **five working** [15] days after the issuance of the citation [,
4 UNLESS THE PERSON CITED REQUESTS AN EARLIER HEARING].

5 * **Sec. 52.** AS 45.75.131(e) is amended to read:

6 (e) **On or before the 10th working day after issuance, a** [A] peace officer or
7 an employee who issues a citation under this section shall deposit the original or a
8 copy of the citation with a court having jurisdiction over the alleged offense. Upon its
9 deposit with the court, the citation may be disposed of only by trial in the court or
10 other official action taken by the magistrate, judge, or prosecutor. The peace officer or
11 employee who issued the citation may not dispose of it or copies of it or of the record
12 of its issuance except as required under this subsection and (f) of this section.

13 * **Sec. 53.** AS 45.75.131(g) is repealed and reenacted to read:

14 (g) A citation issued under this section is considered to be a lawful complaint
15 for the purpose of prosecution.

16 * **Sec. 54.** AS 45.75.131(h) is amended to read:

17 (h) Unless the citation has been voided or otherwise dismissed by the
18 magistrate, judge, or prosecutor, or bail has been forfeited under AS 45.75.133, a
19 person who fails to appear in court to answer a citation issued under this section,
20 regardless of the disposition of the charge for which the citation was issued, is guilty
21 of **failure to obey a citation under AS 12.25.230(b)** [A CLASS B
22 MISDEMEANOR].

23 * **Sec. 55.** AS 45.75.133(b) is amended to read:

24 (b) **If a** [A] person cited for a violation for which a bail forfeiture amount has
25 been established under (a) of this section **does not contest the citation, the person**
26 may, within **30** [15] days after the date of the citation, mail or personally deliver to the
27 clerk of the court in which the citation is filed by the employee

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

29 (2) a copy of the citation indicating that the right to an appearance is
30 waived, a plea of no contest is entered, and the bail is forfeited.

31 * **Sec. 56.** AS 45.75.133(d) is repealed and reenacted to read:

1 (d) A person cited under this section is guilty of failure to obey a citation
 2 under AS 12.25.230(b) if the person fails to pay the bail amount established under (a)
 3 of this section or fails to appear in court as required.

4 * **Sec. 57.** AS 46.06.080(d) is amended to read:

5 (d) A peace officer shall issue a citation as provided in AS 12.25.175 -
 6 12.25.230 [AS 12.25.180] to a person who violates this section. If a citation is for a
 7 minor littering violation and the person does not contest the charge, [THEN] the
 8 person to whom the citation is issued may, on or before the 30th day after the date
 9 of the citation [WITHIN 15 DAYS], mail or personally deliver to the clerk of the
 10 court in which the citation is filed

11 (1) a fine of \$50; and

12 (2) a copy of the citation indicating that the right to an appearance is
 13 waived and a plea of no contest is entered.

14 * **Sec. 58.** AS 46.06.080(f) is repealed and reenacted to read:

15 (f) A person cited under this section is guilty of failure to obey a citation under
 16 AS 12.25.230 if the person fails to pay the fine or to appear in court as required.

17 * **Sec. 59.** AS 46.06.110(b) is amended to read:

18 (b) The department shall prescribe a citation form, which shall be used by all
 19 peace officers and persons in the state who are authorized to enforce the provisions of
 20 this chapter. The citation form must meet the requirements of AS 12.25.175 -
 21 12.25.230.

22 * **Sec. 60.** AS 04.16.205(i) and 04.16.205(j) are repealed.

23 * **Sec. 61.** The uncodified law of the State of Alaska is amended by adding a new section to
 24 read:

25 APPLICABILITY. This Act applies to all citations issued by peace officers and other
 26 persons authorized under state law to issue citations for violations occurring on or after July 1,
 27 2010.

28 * **Sec. 62.** The uncodified law of the State of Alaska is amended by adding a new section to
 29 read:

30 TRANSITIONAL PROVISIONS: REGULATIONS. The Department of Public Safety
 31 may proceed to adopt regulations necessary to implement this Act. The regulations take effect

1 under AS 44.62 (Administrative Procedure Act), but not before July 1, 2010.

2 * **Sec. 63.** Section 62 of this Act takes effect immediately under AS 01.10.070(c).

3 * **Sec. 64.** Sections 8 and 24 of this Act take effect on the date that secs. 18 and 26, ch. 28,
4 SLA 2000, take effect under sec. 30, ch. 28, SLA 2000, as amended by sec. 3, ch. 34, SLA
5 2004, and by sec. 1, ch. 19, SLA 2009.

6 * **Sec. 65.** Except as provided in secs. 63 and 64 of this Act, this Act takes effect July 1,
7 2010.