

Submitted by: Assembly Member Sulte, Assembly
Member Bronga
Prepared by: Office of the Mayor
For reading: September 26, 2023

**ANCHORAGE, ALASKA
AO No. 2023-100**

1 **AN ORDINANCE OF THE ANCHORAGE MUNICIPAL ASSEMBLY AMENDING**
2 **CERTAIN PROVISIONS OF THE ANCHORAGE MUNICIPAL CODE TITLE 8,**
3 **PENAL CODE, TO UPDATE AND AMEND SECTIONS FOR CONSISTENCY WITH**
4 **STATUTE AMENDMENTS.**
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7 **WHEREAS**, on July 11, 2016, the Governor of the State of Alaska signed into law a
8 measure (SB 91) that immediately prevented the Municipality from enforcing its
9 ordinances that declare the following misdemeanor crimes: failure to appear, violating
10 conditions of release, and driving with a license that has been suspended, canceled
11 or revoked; and
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13 **WHEREAS**, on July 12, 2016, the Anchorage Assembly passed EO No. 2016-1,
14 stating that “consistent with Charter sections 10.03 and 17.13(c), the Anchorage
15 Assembly finds that adoption of SB 91 creates a condition that will result in an
16 insufficiency of law enforcement services needed to protect public health, safety, and
17 welfare, and therefore constitutes an emergency.”; and
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19 **WHEREAS**, EO No. 2016-1 was passed as required by state law to permit the
20 Municipality to issue citations and fines for these offenses, which were previously
21 treated as misdemeanors in municipal code; and
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23 **WHEREAS**, SB 91 led to a spike in several categories of crimes resulting in public
24 outcry from Anchorage citizens, and, following this outcry, a measure to repeal the
25 controversial legislation was introduced; and
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27 **WHEREAS**, a repeal bill, House Bill 49 (HB 49), passed and was signed into law by
28 the Governor of the State of Alaska on July 11, 2019; and
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30 **WHEREAS**, not all the changes made by the repeal have been implemented in the
31 municipal code, resulting in inconsistencies between state and municipal classification
32 and penalties for failure to appear; and
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34 **WHEREAS**, the Anchorage Assembly finds that a return to pre-SB 91 for these
35 offenses from violations to misdemeanors is in the public interest; now, therefore:
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37 **THE ANCHORAGE ASSEMBLY ORDAINS:**
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39 **Section 1.** Anchorage Municipal Code section 8.05.025 is hereby amended to read
40 as follows (*the remainder of the section is not affected and therefore not set out*):
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42 **8.05.025 Minor offense fine schedule; misdemeanor penalty**
43 **reference table; and state surcharge.**

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A. Minor offense fine schedule. In accordance with AS 29.25.070(a), citations for the following offenses may be disposed of as provided in AS 12.25.195—.230, without a court appearance, upon payment of the fine amounts listed below plus the state surcharge required by AS 12.55.039 and AS 29.25.074, if applicable. The Rules of Minor Offense Procedure in the Alaska Rules of Court apply to all offenses listed below. Citations charging these offenses must meet the requirements of Minor Offense Rule 3. 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 fine amount for that offense listed below. Reduction of the scheduled fine amount is prohibited pursuant to Alaska Rules of Minor Offense Procedure 10(a). If an offense is not listed on this fine schedule or another fine schedule, the defendant must appear in court to answer to the charges. A person must respond to the citation within 30 days.

Title	Section	Fine amount
Impersonating paramedic or emergency medical technician	8.30.075	300.00
[FAILURE TO APPEAR]	[8.30.090]	[1000.00]
Failure to report a violent crime committed against an adult	8.30.145	500.00
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B. Misdemeanor offenses reference table.

Section	Description	Penalty	Penalty Section
***	***	***	
Chapter 8.30 OFFENSES AGAINST PUBLIC ORDER			
***	***	***	
8.30.080(A)(1)-(6)	Tampering with official proceedings	Class A	8.05.020H.1.
<u>8.30.090(A)</u>	<u>Failure to appear</u>	<u>Class B</u>	<u>8.05.020H.2</u>
8.30.100(A)	Solicitation of an illegal act	Class B	8.05.020H.2.
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(AO No. 2014-42, § 1, 6-21-14; AO No. 2015-7 , § 2, 2-24-15; AO No. 2015-84, § 2, 9-24-15 ; AO No. 2015-87, § 2, 9-24-15 ; AO No. 2015-123(S), § 2, 11-10-15 ; EO No. 2016-1, § 1, 7-12-16 ; AO No. 2016-83(S), § 1, 7-26-16 ; AO No. 2016-114 , § 1, 12-15-16; AO No. 2017-156 , § 1, 12-5-17; AO No. 2018-34(S) , § 4, 7-26-18; AO No. 2019-25 , § 2, 3-5-19)

Section 2. Anchorage Municipal Code section 8.30.090 is hereby amended to read as follows (*the remainder of the section is not affected and therefore not set out*):

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8.30.090 Failure to appear.

A. It is unlawful for any person charged with violating any provision of this Code, which violation is punishable as a crime, to fail to appear for any arraignment, hearing, trial or other court appearance which pertains to such charge after having been given proper notice in person or through authorized counsel.

B. Violation of this section is a class B misdemeanor [MINOR OFFENSE PUNISHABLE AS SET FORTH ON THE MINOR OFFENSE FINE SCHEDULE].

(AO No. 80-92; AO No. 98-59(S), § 1, 5-19-98; AO No. 2003-73, § 3, 4-22-03; AO No. 2014-42, § 3, 6-21-14; EO No. 2016-1, § 2, 7-12-16 ; AO No. 2016-83(S), § 2, 7-26-16)

Section 3. This ordinance shall be effective immediately upon passage and approval by the Anchorage Assembly.

PASSED AND APPROVED by the Anchorage Assembly this _____ day of _____, 2023.

Chair of the Assembly

ATTEST:

Municipal Clerk



MUNICIPALITY OF ANCHORAGE

Assembly Memorandum

No. AM 750-2023

Meeting Date: September 26, 2023

1 **FROM: MAYOR**

2
3 **SUBJECT: AN ORDINANCE OF THE ANCHORAGE MUNICIPAL ASSEMBLY**
4 **AMENDING CERTAIN PROVISIONS OF THE ANCHORAGE**
5 **MUNICIPAL CODE TITLE 8, PENAL CODE, TO UPDATE AND**
6 **AMEND SECTIONS FOR CONSISTENCY WITH STATUTE**
7 **AMENDMENTS.**
8

9 On July 11, 2016, the Governor of the State of Alaska signed into law Senate Bill 91
10 (SB 91), which immediately prevented the Municipality of Anchorage from enforcing
11 ordinances that classify the misdemeanor crimes of failure to appear, violating
12 conditions of release, and driving with a license that has been suspended, canceled,
13 or revoked.
14

15 The Anchorage Assembly passed Emergency Ordinance No. 2016-1 (EO 2016-1),
16 which was passed as required by state law to permit the Municipality to issue
17 citations and fines for these offenses, which were previously treated as
18 misdemeanors in the Anchorage Municipal Code. EO 2016-1 stated, "Consistent
19 with Charter sections 10.03 and 17.13(c), the Anchorage Assembly finds that
20 adoption of SB 91 creates a condition that will result in an insufficiency of law
21 enforcement services needed to protect public health, safety, and welfare, and
22 therefore constitutes an emergency."
23

24 Following its signing into state law, SB 91 led to a spike in several categories of
25 crimes, resulting in public outcry from Anchorage citizens; following this outcry, a
26 measure to repeal this legislation was introduced, and on July 11, 2019, House Bill
27 49 (HB 49) was signed into state law by the Governor of the State of Alaska, which
28 repealed SB 91. Therefore, concerning the public interest, this ordinance seeks to
29 implement necessary changes to the Anchorage Municipal Code, reclassifying
30 "Failure to Appear" (AMC 8.30.090) as a class B misdemeanor.
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32 There are no anticipated economic effects, and thus, no Summary of Economic
33 Effects is included.
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35 Prepared by: Mia Costello, Richard Whitney, Office of the Mayor
36 Randy Sulte, Anchorage Assembly Member

37 Approved by: Mario Bird, Chief of Staff

38 Concur: Anne Helzer, Municipal Attorney

39 Concur: Kent Kohlhase, P.E., Municipal Manager

40 Respectfully submitted: Dave Bronson, Mayor