Scofflaw Repeal, AO 2023-67

Felix Rivera, District 4 Assembly Member
Agenda

• Ordinance Review
• Rationale for Repeal
• Review of Ombudsman’s Memos
• Moving Forward
AN ORDINANCE OF THE ANCHORAGE MUNICIPAL ASSEMBLY REPEALING
ANCHORAGE MUNICIPAL CODE SECTION 9.28.035, KNOWN AS THE
“SCOFFLAW LAW,” AND MAKING CONFORMING AMENDMENTS TO AMC
CHAPTER 9.28.
Section 1. Anchorage Municipal Code section 9.28.035 is hereby repealed in its entirety. In accordance with AMC section 1.05.050B., a copy of the existing text of the section being repealed is attached as Attachment A.
Section 2. Anchorage Municipal Code section 9.28.026 is hereby amended as follows (the remainder of the section is not affected and therefore not set out):

AO repealing the Scofflaw code.

9.28.026 Impoundment and forfeiture of vehicle.

F. Definitions. The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

Legally unjustified means there was:

1. No reasonable suspicion for the stop of the vehicle leading to an arrest for soliciting, driving without a valid license, driving under the influence, [OPERATING A MOTOR VEHICLE THAT IS PUBLIC NUISANCE UNDER SECTION 9.28.035.] or operating without the required security based on the individual allegedly operating, driving, or being in actual physical control of the vehicle; or

2. No probable cause for the arrest of an individual for soliciting, driving without a valid license, driving under the influence, [OPERATING A MOTOR VEHICLE THAT IS PUBLIC NUISANCE UNDER SECTION 9.28.035.] or operating without the required security based on the individual allegedly operating, driving, or being in actual physical control of the vehicle.
Section 3. Anchorage Municipal Code section 9.28.027 is hereby amended as follows (the remainder of the section is not affected and therefore not set out):

9.28.027 - Failure to return a vehicle released under a vehicle return bond.

A. It is unlawful for the person who has secured the release of a vehicle under a vehicle return bond under section 9.28.019, 9.28.020, 9.28.022, 9.28.026, 9.28.030, [9.28.035.] or 8.65.030 to willfully fail to return that vehicle when ordered by a court. Each day a vehicle is not returned constitutes a separate offense under this section.
Ordinance Review, Continued

Section 4. This ordinance shall be effective 30 days after passage and approval by the Assembly.
Rationale for Repeal

• AO 2007-60 was a fatally flawed ordinance
  • “high correlation between motor vehicle accidents caused by driver misconduct and drivers involved who have accumulated significant delinquent fines for moving violations”
• Causation and correlation
• No real public safety benefit to residents
• No financial benefit to the Municipality
• The state program is sufficient, making the Municipal Scofflaw Program superfluous
• Tax on the poor, unfair program
Review of Ombudsman’s Memos

• The Municipal Ombudsman sent two memos to the Assembly
  • February 5, 2020
  • October 28, 2021
• Both memos suggested a full repeal of the Scofflaw code
Moving Forward

• Have had initial conversations with APD and APDEA
• Will consider postpone action on ordinance to allow for further conversations
• S Version suggested changes instead of full repeal:
  • Raise the total minimum fee to be added to the Scofflaw list from $1,000 to $2,500
  • Create a grace period where individuals can “pay what you can” to get off the Scofflaw list
  • Transition to a Scofflaw program focused only on moving violations as defined by state statute
  • Include a provision where the vehicle is not impounded if it does not belong to the individual on the Scofflaw list
  • Allow for a payment plan in lieu of simply impounding a vehicle
Questions?