




Scofflaw  
Repeal, AO  
2023-67

Felix Rivera, District 4 Assembly  
Member



# Agenda

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- Ordinance Review
  - Rationale for Repeal
  - Review of Ombudsman's Memos
  - Moving Forward

# Ordinance Review

Submitted by: ASSEMBLY MEMBER  
RIVERA

Prepared by: Assembly Counsel's Office

For reading: June 6, 2023

## **ANCHORAGE, ALASKA AO No. 2023-67**

1 | **AN ORDINANCE OF THE ANCHORAGE MUNICIPAL ASSEMBLY REPEALING**  
2 | **ANCHORAGE MUNICIPAL CODE SECTION 9.28.035, KNOWN AS THE**  
3 | **“SCOFFLAW LAW,” AND MAKING CONFORMING AMENDMENTS TO AMC**  
4 | **CHAPTER 9.28.**

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# Ordinance Review, Continued

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**Section 1.** Anchorage Municipal Code section 9.28.035 is hereby repealed in its entirety. In accordance with AMC section 1.05.050B., a copy of the existing text of the section being repealed is attached as Attachment A.



# Ordinance Review, Continued

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**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



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

# Rationale for Repeal

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- 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?