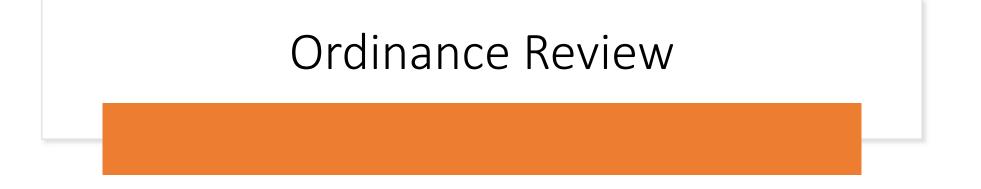


Scofflaw Repeal, AO 2023-67

Felix Rivera, District 4 Assembly Member

## Agenda

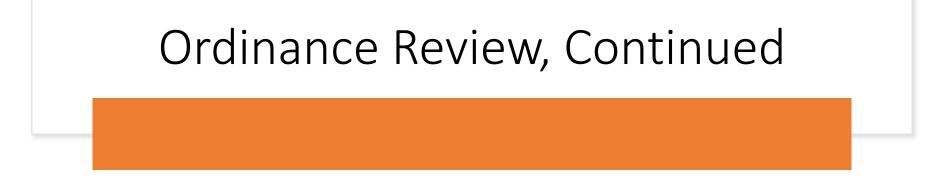
- Ordinance Review
- Rationale for Repeal
- Review of Ombudsman's Memos
- Moving Forward



Submitted by: ASSEMBLY MEMBER **R**IVERA Prepared by: Assembly Counsel's Office For reading: June 6, 2023

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

AN ORDINANCE OF THE ANCHORAGE MUNICIPAL ASSEMBLY REPEALING 1 ANCHORAGE MUNICIPAL CODE SECTION 9.28.035, KNOWN AS THE "SCOFFLAW LAW," AND MAKING CONFORMING AMENDMENTS TO AMC **CHAPTER 9.28.** 



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**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.

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#### Ordinance Review, Continued

9.28.026 Impoundment and forfeiture of vehicle.

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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:

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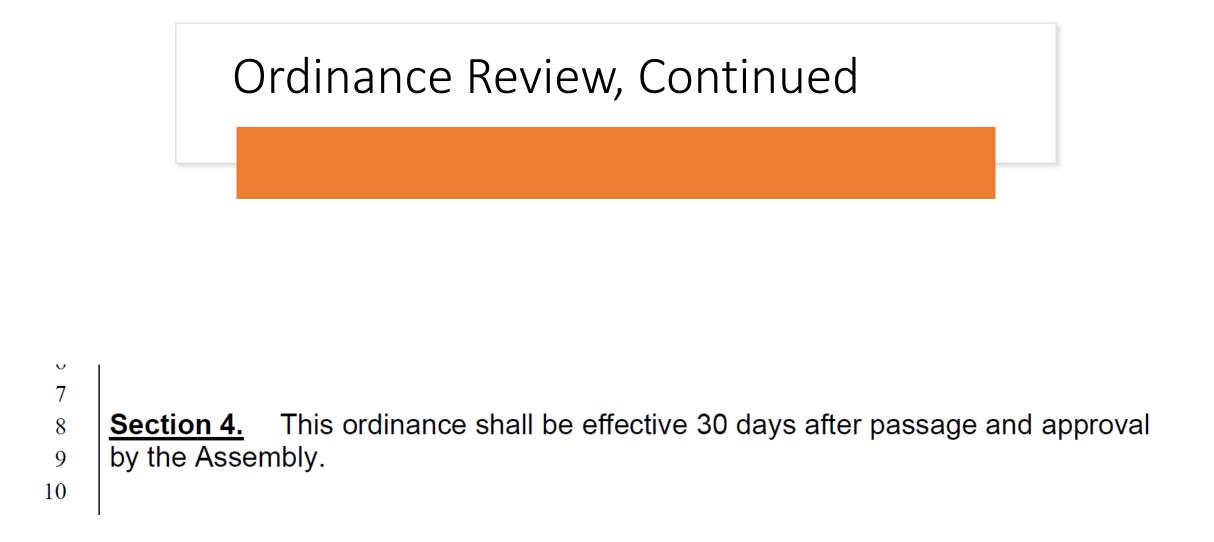
- No reasonable suspicion for the stop of the vehicle leading to an arrest for soliciting, driving without a valid license, driving under the influence, [OPERATING A MOTOR VEHICLE THAT IS PUBLIC NUISANCE UNDER SECTION 9.28.035,] or operating without the required security based on the individual allegedly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

# Ordinance Review, Continued

<u>Section 3.</u> 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.



### 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?