

CLERK'S OFFICE

APPROVED

Date: 3-5-02

Submitted by: Assemblymembers Tremaine, Shamberg,
Taylor, Tesche, Traini, Van Etten, and Sullivan

Prepared by: Department of Assembly

For reading: March 5, 2002

ANCHORAGE, ALASKA

AR NO. 2002-76

A RESOLUTION OF THE ANCHORAGE MUNICIPAL ASSEMBLY SUPPORTING HOUSE BILL NO. 430, "AN ACT IMPOSING A SURCHARGE ON FINES IMPOSED FOR MISDEMEANORS, INFRACTIONS, AND VIOLATIONS AND AUTHORIZING DISPOSITION OF ESTIMATED RECEIPTS FROM THAT SURCHARGE; AND CREATING THE JUVENILE JUSTICE GRANT FUND IN ORDER TO PROVIDE FINANCIAL ASSISTANCE FOR THE OPERATION OF YOUTH COURTS."

WHEREAS, the average court costs in a traditional State court are about \$3,000 per case, and each offender residing in McLaughlin Youth Center costs the State approximately \$41,000 per year; and

WHEREAS, each case that is diverted to the Anchorage Youth Court (AYC) costs approximately \$650, a number made possible through the utilization of about 30,000 student volunteer hours per year; and

WHEREAS, AYC provides swift, appropriate, and meaningful consequences within two weeks of referral for crimes committed by juveniles; and

WHEREAS, about 9,879 hours of community work service are served and about \$10,720 of restitution is paid on a yearly basis by offenders who come through the AYC; and

WHEREAS, the most common charges that AYC accepts are shoplifting, theft, and property crimes - crimes that cost owners and consumers money; and

WHEREAS, the sentences given for these crimes include restitution, public service, essays, and rehabilitative classes; and

WHEREAS, the AYC accepts approximately 400 cases per year, and maintains a remarkably low recidivism rate of about 10%.

NOW, THEREFORE, the Anchorage Assembly resolves:

Section 1: That this body supports and urges passage of House Bill 430 which creates a juvenile justice grant fund in order to provide financial assistance for the operation of youth courts.

Section 2: That copies of this resolution be forwarded to the Governor and the Alaska State Legislature immediately upon passage and approval.

PASSED AND APPROVED by the Anchorage Assembly this 5 day of March 2002.


Chair

ATTEST:


Municipal Clerk

HOUSE BILL NO. 430
IN THE LEGISLATURE OF THE STATE OF ALASKA
TWENTY-SECOND LEGISLATURE - SECOND SESSION

BY REPRESENTATIVE CROFT

Introduced: 2/15/02

Referred: Judiciary, Finance

A BILL
FOR AN ACT ENTITLED

"An Act imposing a surcharge on fines imposed for misdemeanors, infractions, and violations and authorizing disposition of estimated receipts from that surcharge; and creating the juvenile justice grant fund in order to provide financial assistance for the operation of youth courts."

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

*** Section 1.** AS 12.25.195(c) is amended to read:

(c) Disposition of an offense under (a) of this section may not occur unless the person cited for the offense pays the surcharges required to be imposed under [SURCHARGE PRESCRIBED IN] AS 12.55.039 and 12.55.041 in addition to the scheduled bail or fine amount. The surcharges [SURCHARGE] required to be paid under this subsection shall be deposited into the general fund and accounted for under AS 37.05.142.

*** Sec. 2.** AS 12.25.200(b) is amended to read:

(b) A citation issued under AS 12.25.180 must indicate

1 (1) the amount of bail or fine and each [THE] surcharge applicable to
2 the offense;

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

4 (3) that if the person fails to pay the bail or fine the person must appear
5 in court;

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

8 (A) suspension of the person's driver's license, privilege to
9 drive, or privilege to obtain a license; or

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

12 (5) that the person has a right to

13 (A) a trial;

14 (B) engage counsel;

15 (C) confront and question witnesses;

16 (D) testify; and

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

18 * Sec. 3. AS 12.55 is amended by adding a new section to read:

19 **Sec. 12.55.041. Surcharge for misdemeanors and violations.** (a) In
20 addition to a fine or other penalty prescribed by law, a defendant who pleads guilty or
21 nolo contendere to, forfeits bail for, or is convicted of an offense punishable as a
22 misdemeanor or of an infraction or violation, except the violation of a vehicle or
23 traffic offense under AS 28, a regulation adopted under AS 28, or a municipal
24 ordinance under AS 28.01.010, shall be assessed a surcharge of \$10.

25 (b) A court may not fail to impose the surcharge required under this section.
26 The surcharge may not be waived, deferred, or suspended. A court may allow a
27 defendant who is unable to pay the surcharge required to be imposed under this
28 section to perform community work under AS 12.55.055(c) in lieu of the surcharge.

29 (c) The surcharge shall be paid within 10 days of imposition or such shorter
30 period of time as ordered by the court. Failure to pay the surcharge is punishable as
31 contempt of court. Proceedings to collect the surcharge may be instituted by the state,

by the municipality, or by the court on its own motion.

(d) Money collected under this section shall be deposited into the general fund and accounted for under AS 37.05.142.

* Sec. 4. AS 28.05.151(c) is amended to read:

(c) The supreme court shall require as a condition of the disposition of an offense without appearance that a person charged with any offense for which a bail forfeiture amount has been adopted shall pay the surcharges [SURCHARGE] prescribed in AS 12.55.039 and 12.55.041 in addition to the bail forfeiture amount established by the supreme court. The surcharges [SURCHARGE] required to be paid under this subsection shall be deposited into the general fund and accounted for under AS 37.05.142.

* Sec. 5. AS 29.25.074(a) is amended to read:

(a) A municipality may not enforce a penalty for violation of an ordinance for which a surcharge is required to be imposed under AS 12.55.039 or 12.55.041 unless the municipality authorizes the imposition of and provides for the collection of the surcharges [SURCHARGE]. The surcharges [SURCHARGE] shall be deposited into the general fund of the state and accounted for under AS 37.05.142. Subject to appropriation, the legislature may reimburse a municipality that collects a surcharge required to be imposed under AS 12.55.039 or 12.55.041 for the cost to the municipality in collecting the surcharge and transmitting the surcharge to the state. The reimbursement may not exceed 10 percent of the surcharge collected and transmitted to the state.

* Sec. 6. AS 44.47 is amended by adding a new section to read:

Sec. 44.47.201. Juvenile justice grant fund. (a) There is created in the department the juvenile justice grant fund. In addition to other appropriations to the fund, the legislature may appropriate to the fund the annual estimated balance in the account maintained under AS 37.05.142 for money collected under AS 12.55.041 and may appropriate from the fund to the department to make grants to nonprofit corporations only for youth courts under AS 47.12.400 or other informal dispositions in which youths actively assist in adjudicating their peers.

(b) Nonprofit corporations proposing to establish and operate youth courts

under AS 47.12.400 or other informal dispositions in which youths actively assist in adjudicating their peers may apply to the department for a grant under (a) of this section. A grant under this subsection must be matched on a dollar-for-dollar basis by the grantee in cash or in kind.

(c) Grants made under (a) of this section shall be used

(1) to defray the costs of organization of youth courts under AS 47.12.400 or other informal dispositions in which youths actively assist in adjudicating their peers; the department shall assure that the grant is spent for necessary organizational assistance and that appropriate accounting procedures are maintained; grants made under this paragraph may not exceed \$30,000, and only one grant may be made to a grantee under authority of this paragraph; and

(2) to defray the costs of operation of youth courts under AS 47.12.400 or other informal dispositions in which youths actively assist in adjudicating their peers.

* Sec. 7. Section 8 of this Act is repealed on the earlier of (1) the date that the Alaska Court System has the capability to separately track and account electronically for money collected under AS 12.55.041, or (2) June 30, 2003. The executive director of the Alaska Court System shall notify the lieutenant governor and the revisor of statutes when the electronic capability described in this section has been obtained.

* Sec. 8. The uncodified law of the State of Alaska is amended by adding a new section to read:

DIRECTION TO COURT SYSTEM. Notwithstanding the requirements of AS 12.55.041 and AS 37.05.142 that surcharges collected under AS 12.55.041 be accounted for separately, the Alaska Court System shall deposit money collected under AS 12.55.041 in the general fund and shall, by February 1 of each year, provide to the Department of Administration, to the Legislative Budget and Audit Committee, and to each house of the legislature an estimate of the money collected under AS 12.55.041 for that fiscal year.

AN 2002-76

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A Resolution Supporting HB 430

5-Mar-02

☐ AO ☒ AR ☐ AM ☐ AIM

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Assembly

Greg Moyer

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HIS/HER PHONE NUMBER

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DATE _____

Purchasing

Other

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Address
9.B - Arrow

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ASSEMBLY HEARING DATE REQUESTED

ED
3/5/02

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PUBLIC HEARING DATE REQUESTED