

IN THE SUPREME COURT OF THE STATE OF ALASKA

ORDER NO. 1347

Amending Administrative Rule 43.1 (the traffic bail forfeiture schedule) to conform the rule to recent legislative changes.

IT IS ORDERED:

1. Administrative Rule 43.1 is amended to read as follows:

Pursuant to AS 28.05.151, the following vehicle and traffic offenses are amenable to disposition without court appearance upon payment and forfeiture of the bail amounts listed. 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 bail amount for that offense listed below. An offense for which a bail forfeiture amount has been established shall be charged on a citation which meets the requirements of District Court Criminal Rule 8(c) and shall not be filed, numbered or processed as a criminal case.

Pursuant to AS 28.15.131 and 13 AAC 04.008, a citation for an offense listed as "Corr" must be dismissed (or voided) if proof of correction is presented to an inspection official within the time allowed. If the required repair is not made, the offense may be disposed of without court appearance upon payment and forfeiture of the bail amount listed.

Effective ~~January 1, 1996~~ August 27, 1998, as a condition of the disposition of an offense without appearance ~~of an offense under AS 28 or a regulation adopted under AS 28~~, the defendant shall pay the surcharge prescribed in AS 12.55.039 ~~a surcharge of \$10~~ in addition to the bail forfeiture amount listed below. ~~The surcharge applies only to offenses occurring after December 31, 1995.~~ A court may

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allow a defendant who is unable to pay the surcharge to perform community work under AS 12.55.055(c) in lieu of the surcharge. The surcharge must be deposited into the general fund in a separate account designated for such surcharges.

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2. This order is made to conform the rule to legislative changes in AS 28.05.151(c) which will go into effect on August 27, 1998 (§6 ch. 56 SLA 1998).

DATED: August 13, 1998

EFFECTIVE DATE: August 27, 1998

/s/
Chief Justice Matthews

Justice Compton

/s/
Justice Eastaugh

/s/
Justice Fabe

/s/
Justice Bryner