

IN THE SUPREME COURT OF THE STATE OF ALASKA

ORDER NO. 1619

Amending Administrative Rule 43.1,
Traffic Bail Forfeiture Schedule,
concerning traffic safety corridors.

IT IS ORDERED:

1. Administrative Rule 43.1 is revised as follows:

Rule 43.1. Traffic Bail Forfeiture Schedule.

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.

Effective April 30, 1999, the bail amounts listed below are doubled for violations of AS 28 and regulations adopted under AS 28 committed within a highway work zone, as that term is defined in AS 28.40.100 and 13 AAC 40.010(b). Effective May 27, 2006, the bail amounts listed below are doubled for violations of AS 28 and regulations adopted under AS 28 committed within a traffic safety corridor, as that term is defined in AS 28.40.100.

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 August 27, 1998, as a condition of the disposition of an offense without appearance, the defendant shall pay the surcharge prescribed in AS 12.55.039 in addition to the bail forfeiture amount listed below. A court may 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.

Effective September 1, 2003, pursuant to AS 28.05.151(e), an offense listed on this schedule may not be disposed of without court appearance if the offense is in connection with a motor vehicle accident that results in the death of a person.

The maximum bail amount for any of the offenses listed below in which the bail is stated as an amount per mile, per foot, per lamp, per reflector, per tire, or per wheel is the maximum fine allowed by statute for the offense. These maximum amounts are doubled for violations of AS 28 and regulations adopted under AS 28 committed within a highway work zone, as that term is defined in AS 28.40.100 and 13 AAC 40.010(b), or committed within a traffic safety corridor, as that term is defined in AS 28.40.100.

* * * *

2. The endnotes in Administrative Rule 43.1 are amended as follows:

1 Maximum bail amount: \$300. AS 28.40.050(c). Maximum bail amount in highway work zone or traffic safety corridor: \$600.

- 2 If this offense resulted in physical injury to a person, the officer must cite it as a mandatory court appearance (MCA). If there was no physical injury to a person, the offense should be cited as a mail-in-bail offense at the bail forfeiture amount listed.
 - 3 Maximum bail amount: \$500. AS 45.75.380(a)(11) and AS 12.55.035(b)(7) – violations. The penalty and the maximum are *not* doubled in highway work zones or traffic safety corridors.
 - 4 Maximum bail amount: \$500. AS 02.15.240 – misdemeanors. The penalty and the maximum are *not* doubled in highway work zones or traffic safety corridors.
3. The following note is added at the end of Administrative Rule 43.1:

Note to SCO 1619: The requirement that the bail amount for offenses committed within a traffic safety corridor be doubled was added by §§ 2 and 4, chapter 45 SLA 2006, amending AS 28.05.151(d) and AS 28.40.070. This order is made for the sole reason that the legislature has mandated the amendment.

DATED: June 1, 2006

EFFECTIVE DATE: Nunc pro tunc to May 27, 2006

/s/
Chief Justice Bryner

/s/
Justice Matthews

/s/
Justice Eastaugh

/s/
Justice Fabe

/s/
Justice Carpeneti