

THE SUPREME COURT OF THE STATE OF ALASKA

ORDER NO. 199

Adopting Rule 8, District
Court Rules of Criminal
Procedure

IT IS ORDERED:

The following rule is adopted as Rule 8, District Court Rules of
Criminal Procedure:

Rule 8. TRAFFIC OFFENSES

- (a) Scope, Purpose and Construction. This rule governs the procedure in cases involving misdemeanor traffic offenses. It is intended to provide for the just determination of these cases and to that effect shall be construed to secure simplicity and uniformity in procedure, fairness in administration and the elimination of unjustifiable expense and delay.
- (b) Traffic Offenses. As used in this rule, unless the context clearly requires otherwise, "traffic offense" means any violation of a statute, ordinance or regulation relating to the operation or use of any vehicles, including motor vehicles, and any violation of a statute, ordinance or regulation relating to the use of streets, highways, or other public thoroughfares.
- (c) Other Criminal Rules. Other rules governing criminal procedure shall, insofar as they are applicable, implement the provisions of this rule.
- (d) Complaint -- Information and Summons. The complaint or information and summons shall be in the form of the Uniform Traffic Citation as adopted by the Commissioner of Public Safety or any municipality pursuant to statute for all traffic offenses that may be disposed of without court appearance under this rule and for those traffic offenses for which the use of that form of complaint and summons has been specifically authorized by Supreme Court Order. For all other traffic offenses, the complaint or information and summons shall be in conformity and compliance with the Rules of Criminal Procedure.
- (e) Rights of Defendants. Before a plea is entered to a traffic offense other than parking or standing, the defendant shall be informed of his rights, which shall include, but not be limited to the following rights:
 - (1) to a trial;
 - (2) to engage counsel;
 - (3) to confront and question witnesses against him;

- (4) to testify in his own behalf;
- (5) to summon witnesses in his behalf.

The defendant shall be further informed that a record of any conviction will be sent to the Department of Public Safety of this state or to the state where he received his license to drive to become a party of his driving record and to be assessed points pursuant to statute and regulation.

- (f) Disposition Without Court Appearance. Except as otherwise provided herein, any person charged with a traffic offense for which a bail amount has been established in the Uniform Traffic Bail Schedule adopted by Supreme Court Order may within five days mail or deliver to the appropriate court the amount of bail indicated in the Schedule for that offense, together with either:

- (1) a signed waiver of appearance, plea of no contest and a direction to forfeit the bail in lieu of a fine; or
- (2) a signed waiver of appearance, plea of not guilty and a request for trial.

Prior to entering a plea of no contest the defendant shall be informed that his plea will have the same force and effect as a judgment of conviction. When bail has been forfeited under this paragraph, the clerk shall enter a judgment of conviction and court proceedings shall thereupon terminate. When trial has been requested, the case shall be set on the calendar and send notice thereof to the parties.

- (g) Mandatory Court Appearance. Any person charged with a traffic offense who:
 - (1) is under 18 years of age;
 - (2) is charged with an offense for which no bail amount has been established in the Uniform Traffic Bail Schedule; or
 - (3) has not waived appearance and entered a plea under paragraph (f) of this rule

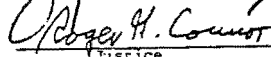
shall appear for arraignment at the time and place designated on the summons. A person under 18 years of age at the time of the offense must be accompanied by a parent, guardian or legal custodian. Arraignment shall be conducted in accordance with Rule 1 hereof. The defendant shall be admitted to bail in accordance with law and rule without regard to the bail amounts established in the Uniform Traffic Bail Schedule.

(h) Further Proceedings. All further proceedings shall be in accordance with these rules and other applicable Rules of Criminal Procedure.

EFFECTIVE DATE: March 15, 1975

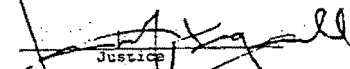
DATED: February 27, 1975


Chief Justice


Justice


Justice


Justice


Justice

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