

ALASKA COURT SYSTEM
OFFICE OF THE ADMINISTRATIVE DIRECTOR
ADMINISTRATIVE BULLETIN NO. 43
(Amended Effective July 22, 2016)

TO: ALL HOLDERS OF ADMINISTRATIVE BULLETIN SETS:

All Justices	Senior Staff
All Judges	Court Analysts
Area Court Administrators	Central Services
Clerk of the Appellate Courts	Judicial Services
Rural Court Training Assistants	APD Warrants
All Clerks of Court	
All Magistrates	
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SUBJECT: Electronic Levy on the PFD by Governments for Debt Collection

The attached revision of the collection procedures policy will become effective in all district and superior courts on the date stated above. This policy is being issued under the authority granted to the administrative director by Administrative Rule 1(b) and Civil Rule 69(i)(2).

July 22, 2016

Date

/s/

Christine E. Johnson
Administrative Director

Original bulletin was issued April 18, 1989. It was amended January 8, 1991; November 25, 1992; January 15, 1994; June 30, 1994; September 1, 1995; July 15, 1998; June 14, 1999; August 1, 2005; August 23, 2005; April 1, 2007; September 5, 2007; April 21, 2008; May 21, 2008; January 1, 2012; March 1, 2014; January 1, 2015; January 15, 2016; February 16, 2016; July 22, 2016.

Administrative Bulletins 43.1 and 43.2 are no longer in effect.

January 15, 2016 changes to this bulletin:

1. Footnote 6 on page 5 was revised to reflect that effective January 1, 2016, unpaid forfeited unsecured appearance bond judgments entered in city cases are electronically sent to the Attorney General's Office for Collection.
2. In Section III.B.1, forfeited unsecured appearance bonds and forfeited bail applied to restitution were removed from the chart of debts that may be transferred to a municipal collection unit.
3. Effective January 15, 2016, Administrative Bulletin 7 amended the description of Alcohol Underage case type to Underage Consuming. All references to the Alcohol Underage case type were changed to Underage Consuming.
4. The Agreement Template in Attachment A was revised to reflect these revisions.

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I. Purpose of Bulletin

This bulletin establishes the procedure for transferring the following to the Department of Law or to a municipality for collection:

1. the following fines (except fines ordered as a condition of a suspended imposition of sentence¹) and costs:
 - a. Delinquent fines in criminal and underage consuming cases;
 - b. Delinquent fines and collection costs in non-default minor offense cases; and
 - c. Fines, collection costs and court costs included in default judgments entered under Minor Offense Rule 10 in minor offense cases (hereinafter referred to as “default judgments”);
2. surcharges (under AS 12.55.039, AS 12.55.041 or any municipal ordinance);
3. restitution in state criminal cases, underage consuming cases, and in delinquency cases;
4. restitution owed to the state for game animals under AS 16.05.925(b), indigenous fish under AS 16.35.210(d), and any other statute specifically authorizing restitution for fish and game;
5. restitution owed to the Municipality of Anchorage;
6. forfeited unsecured appearance bonds owed by defendant;
7. forfeited surety bonds except corporate bonds;
8. forfeited bail that was applied to restitution;
9. cost of appointed counsel (Criminal Rule 39(c) and Administrative Rule 12(e)(6));
10. cost of imprisonment in DUI and Refusal cases (AS 28.35.030(k), AS 28.35.032(o), & 22 AAC 05.615); and
11. cost of imprisonment under a municipal ordinance.

This bulletin also establishes procedures for issuing a continuing writ of execution on the Alaska Permanent Dividend (PFD) and authorizes electronic levy on the PFD.

For purposes of this bulletin, the term “municipality” includes all incorporated municipalities, cities and boroughs.

¹ When an SIS is imposed, most of the court’s orders, including any fines, are conditions of probation, not direct court orders. These conditions of probation are not in judgments on which a writ of execution may be issued. However, some orders (such as restitution orders and surcharge orders) in an SIS order are direct court orders that remain civilly enforceable after the probation period expires. See AS 12.55.045(l) and Criminal Rule 32.6(i) concerning restitution. Writs can be issued to enforce such direct court orders.

II. Department of Law Collections Unit

The Collections Unit in the Department of Law was established in 1988 to collect unsecured debts owed to the State of Alaska. The Collections Unit has agreed to follow the procedures described below.

A. Debts Transferred Electronically

1. Transfer Schedule. Within 30 days after the due date, the clerk will transfer the following debts to the Collections Unit.

Case Type	Type of Debt
Criminal and Underage Consuming	Fines
	Police Training Surcharges under AS 12.55.039
	Jail Surcharges ²
	Cost of Appointed Counsel (CR-540)
	Cost of Imprisonment in DUI and Refusal Cases ³
	Fair Market Value of Forfeited Fish ⁴
	Forfeited Unsecured Appearance ⁵ Bonds Owed by Defendant, including <ul style="list-style-type: none"> • 10% cash bonds (to collect the unsecured 90% of the 10% cash bond), and • unsecured bonds.
	Forfeited Bail That Was Applied to Restitution (i.e., a separate judgment entered against a defendant when the defendant's forfeited cash bail is applied to restitution as required by AS 12.30.075).

² Jail surcharges are ordered under AS 12.55.041. In the statute, they are called Correctional Facility Surcharges.

³ AS 28.35.032(o) and AS 28.35.030(k)&(l). A writ may be issued only if the judgment for cost of imprisonment is for a specific total dollar amount. A writ may not be issued if the judgment orders costs on a "per day" basis because the court and the Collections Unit will not know the actual number of days that the defendant will serve.

⁴ Under AS 16.05.722 (b) strict liability commercial fishing penalties and AS16.05.723 Misdemeanor commercial fishing penalties, the court shall order forfeiture of any fish, or its fair market value, taken or retained as a result of the commission of the offense.

⁵ Effective July 1, 2010, Criminal Rule 41(a) was amended to clarify that performance bonds can only be secured by cash. Prior to that date, unsecured performance bonds may have been transferred to the Dept. of Law Collections Unit for collection.

Case Type	Type of Debt
Minor Offenses	Fines
	Police Training Surcharges under AS 12.55.039
	Collection Costs (Minor Offense Rule 10(f))
	Court Costs (Minor Offense Rule 10(e))
	Fair Market Value of Forfeited Fish in Strict Liability Commercial Fishing Cases under AS 16.05.722 (b)
Delinquency	Cost of Appointed Counsel Under Administrative Rule 12 (TF-932)

2. Transfer Procedures. The clerk of court will provide the collections unit with an electronic file containing the necessary data elements. The Information Services (IS) department of the Alaska Court System is responsible for developing the format and delivery method for transferring the electronic file. A complete list of the data elements in this electronic file is available from the IS department.

Note: See footnote 6 for history of transfer of these debts to the Department of Law.⁶

⁶ The transfer of these debts to the Dept. of Law Collections Unit for collection began as follows:

- (1) Delinquent fines in any amount in all state criminal cases closed on or after January 1, 1989;
- (2) Delinquent fines in any amount in all state minor offense cases on or after January 1, 1992;
- (3) Default judgments in all state minor offense cases entered after July 15, 1998;
- (4) Court costs and collection costs in minor offense judgments entered after July 15, 1998;
- (5) Jail (correctional facility) surcharges ordered under AS 12.55.041 in state criminal cases on or after July 1, 2004;
- (6) Police training surcharges ordered under AS 12.55.039 in criminal and minor offense cases due on or after July 1, 2011.
- (7) Unpaid Forfeited Unsecured Appearance Bond Judgments. In May 2013, the court transferred all judgments entered in the previous five years in state cases to the Attorney General's Office for collection. These judgments are now transferred at the time they are entered. Beginning January 1, 2016, the court began transferring judgments entered in city cases on or after that date to the Attorney General's Office for collection.

B. Debts Transferred by Paper

1. Transfer Schedule

At least weekly, for the debts listed below, the clerk will send a copy of the judgment and other documents described in Section 2, Transfer Procedures.

Case Type	Type of Debt
Criminal and Underage Consuming	Restitution, ⁷ Including Fish and Game Restitution ⁸
	Forfeited Surety Bonds Except Corporate Bonds
Minor Offense	Restitution, Including Fish and Game Restitution
Delinquency	Restitution
Civil, Probate, Adoption, and CINA	Cost of Appointed Counsel Under Administrative Rule 12 (TF-932)
Post-Conviction Relief These are filed as civil cases, but appointment of counsel is made under Criminal Rule 35.1.	Cost of Appointed Counsel Under Criminal Rule 39 (CR-540)

⁷ The Department of Law Collections Unit is authorized to collect restitution on behalf of the victim of a crime or delinquent act as provided in Alaska Statutes 12.55.051(e), 47.12.170(b), and 09.38.010. The transfer of restitution judgments to the Attorney General's Office for collection began with all judgments and orders for restitution in state criminal cases entered on or after January 1, 2002. The transfer of restitution judgments to the Division of Juvenile Justice began with all judgments and orders for restitution in delinquency cases entered on or after January 1, 2002.

⁸ Fish and game restitution includes game animal restitution under AS 16.05.925(b), indigenous fish restitution under AS 16.35.210(d), and restitution under any other statute specifically authorizing restitution for fish and game.

2. Transfer Procedures

Type of Debt	The clerk shall send <u>a copy</u> of the following documents to the Department of Law Collections Unit (except for restitution in delinquency cases):
Restitution, Including Fish and Game Restitution	<p>a. Judgment ordering restitution; and</p> <p>b. Victim Information Statement (form CR-455) if filed by the prosecutor or police.</p> <p><u>Exception:</u> In delinquency cases, the clerk shall send a copy of the restitution judgment (form DL-150) to the Division of Juvenile Justice. If the victim does not opt out of collection services by the Department of Law, the Division of Juvenile Justice is responsible for forwarding the restitution judgment to the Department of Law Collections Unit. AS 47.12.170.</p> <p><u>Victim Opts Out of Collection Services Provided by the Department of Law</u></p> <p>If a victim opts out of the collection services of the Department of Law as provided in AS 12.55.051(e) - (g) and AS 47.12.170(b) - (d), the Department of Law shall send a notice to the court, after which the clerk may issue a writ of execution to the victim upon request.</p> <p><u>Payments to Courts after Restitution Judgment Sent to Department of Law</u></p> <p>The courts must accept restitution payments at any time, even after the restitution judgment has been sent to the Department of Law for collection. If the restitution judgment has been sent to the Department of Law for collection and the restitution recipient has not opted out of this collection service as described in paragraph 4 above, the court must forward all restitution payments to the Department of Law within five days after the court accepts the payment. AS 12.55.045(m).</p>
Forfeited Surety Bonds except Corporate Bonds	<p>a. judgment forfeiting the surety bond, and</p> <p>b. the surety bond (form CR-240 page 1), and</p> <p>c. the surety agreement and affidavit (form CR-240 page 2)</p>
Cost of Appointed Counsel under Administrative Rule 12	Judgment for Cost of Appointed Counsel Under Administrative Rule 12 (TF-932)
Post-Conviction Relief	Judgment for Cost of Appointed Counsel Under Criminal Rule 39 (CR-540)

C. Continuing Writ of Execution

Each court has issued a continuing writ of execution that allows the Department of Law to seize the debtor's Alaska Permanent Fund Dividend to satisfy all judgments, including any interest and costs ordered, owed to the State of Alaska that have been transferred or will be transferred in the future as provided in this bulletin.

The continuing writ is an ongoing writ that remains in full force and effect until the judgments in all cases are satisfied. The continuing writ applies to the types of judgments listed in the current version of Administrative Bulletin 43 and any future revisions of the bulletin.

This writ does not become effective for judgments for restitution until restitution is due.

The original continuing writs are held in the Office of the Administrative Director of the Alaska Court System. Duplicate originals have been distributed to the Department of Law Collections Unit.

D. Extensions of Time to Pay

After transfer, the Department of Law has the authority to grant extensions of time to pay or establish schedules by which a defendant may pay without prior approval from the court.

After transfer, if a defendant asks the court clerk's office for an extension of time to pay, the clerk's office will refer the defendant to the Department of Law.

If the defendant files a request for a hearing under AS 12.55.051(c) because the defendant is unable to pay the fine despite having made good faith efforts to pay, and if the court modifies its order, the clerk's office will send a copy of the modified order to the Department of Law.

E. Additional Court Procedures

1. The court is not required to send notices of delinquency to defendants prior to transferring delinquent fines and associated costs and surcharges for collection.
2. Except as provided for restitution in Section II.B.2, the court will not accept payment of any debts transferred for collection after the transfer.

3. Prior to the transfer, the court will quash any existing bench warrants and orders to show cause issued solely for failure to pay a fine or other debts. After transfer, the court will not issue a warrant or order to show cause for any delinquent fine or other debt except upon request by the Department of Law in a specific case.
4. The court will send the Department of Law Collections Unit copies of any subsequent motions, court orders or amended judgments relating to any debt, including restitution, which has been transferred.

III. Municipal Collections Units

A. Required Agreement with Alaska Court System

If a municipality wants the Alaska Court System to transfer information to the municipality to facilitate the municipality's debt collection, the municipality must sign an agreement to be responsible for the collection of all debts transferred to the municipality for collection. The terms of the agreement are shown in **Attachment A**.

B. Procedures after Agreement Signed

When a municipality has entered into a written agreement with the Alaska Court System, debt information will be transferred to the municipality as described below.

1. Debts Transferred Electronically

- a. Transfer Schedule. **Within 30 days** after the due date, the clerk will transfer the following debts to the Municipal Collections Unit.

Case Type	Type of Debt
Municipal Criminal and Underage Consuming	Fines
	Police Training Surcharges Owed to the State ⁹
	Surcharges Owed to the Municipality ¹⁰
	Cost of Appointed Counsel (CR-540)
	Cost of Imprisonment (Only Anchorage, Juneau, Ketchikan and Sitka) ¹¹

⁹ Police training surcharges are ordered under AS 12.55.039. These surcharges must be deposited in the state's general fund as required by AS 12.55.039(d) and AS 29.25.074.

¹⁰ For example: Fairbanks General Code Section 1-15(e) Correctional Facility Surcharge.

¹¹ This cost may be ordered only if there is a municipal ordinance for cost of imprisonment. At this time, Anchorage, Ketchikan and Sitka have such ordinances only for DUI and Refusal cases and Juneau has such an ordinance for all criminal offenses. A writ may be issued only if the judgment for cost of imprisonment is for a specific total dollar amount. A writ may not be

Case Type	Type of Debt
Municipal Minor Offenses	Fines
	Police Training Surcharges Owed to the State
	Court Costs Owed to the State (Minor Offense Rule 10(e))
	Collection Costs Owed to the Municipality (Minor Offense Rule 10(f))

b. Transfer Procedures. The clerk of court will provide the collections unit with an electronic file containing the necessary data elements. The Information Services (IS) department of the Alaska Court System is responsible for developing the format and delivery method for transferring the electronic file. A complete list of the data elements in this electronic file is available from the IS department.

2. Debts Transferred by Paper: Restitution Owed to the Municipality of Anchorage

a. Collection Agreement¹²

The Municipality of Anchorage has entered into a written agreement with the court system concerning the procedures for enforcing restitution judgments in favor of the municipality. Restitution judgments for the Municipality of Anchorage will be on a form approved by the court system (form CR-465 ANCH). The municipality has agreed to be responsible for collecting all restitution owed to the municipality, and the court system has agreed to transfer to the municipality a copy of all restitution judgments in favor of the municipality.

b. Payments to Court

The court must accept restitution payments from defendants at any time, even after the restitution judgment has been sent to the municipality for collection. The court must forward

issued if the judgment orders costs on a “per day” basis because the court and the Collections Unit will not know the actual number of days that the defendant will serve.

¹² In April 2007, the court system sent the municipality a writ of execution with a list of the cases in which restitution was owed to the municipality on restitution judgments entered during the previous five years prior to the date of the writ. The writ authorized the municipality to execute electronically on the defendants’ Permanent Fund Dividends to collect the restitution. Starting April 1, 2007, the court system began sending restitution judgments and writs of execution to the municipality after each judgment was entered.

all restitution payments to the municipality within five days after the court accepts the payment.

C. Continuing Writ of Execution

Each court has issued a continuing writ of execution that allows the municipality to seize the debtor's Alaska Permanent Fund Dividend to satisfy all judgments, including any interest and costs ordered, owed to the municipality that have been transferred or will be transferred in the future as provided in this bulletin.

The continuing writ is an ongoing writ that remains in full force and effect until the judgments in all cases are satisfied. The continuing writ applies to the types of judgments listed in the current version of Administrative Bulletin 43 and any future revisions of the bulletin.

This writ does not become effective for judgments for restitution until restitution is due.

For judgments for cost of imprisonment, this writ is effective only if the judgment states a specific total dollar amount. This writ is not effective for judgments that order costs on a "per day" basis because the court and the Collections Unit will not know the actual number of days the defendant will serve.

The original continuing writs are held in the Office of the Administrative Director of the Alaska Court System. Duplicate originals have been distributed to the municipalities listed in Section IV below.

D. Extensions of Time to Pay

After transfer, the municipality has the authority to grant extensions of time to pay or establish schedules by which a defendant may pay without prior approval from the court.

After transfer, if a defendant asks the court clerk's office for an extension of time to pay, the clerk's office will refer the defendant to the municipality.

If the defendant files a request for a hearing under AS 12.55.051(c) because the defendant is unable to pay the fine despite having made good faith efforts to pay, and if the court modifies its order, the clerk's office will send a copy of the modified order to the municipality.

E. Additional Court Procedures

1. The court is not required to send notices of delinquency to defendants prior to transferring delinquent fines and associated costs and surcharges for collection.
2. The court will not accept payment of any debts transferred for collection after the transfer, except as provided in Section C.2 on restitution owed to the Municipality of Anchorage.
3. Prior to the transfer, the court will quash any existing bench warrants and orders to show cause issued solely for failure to pay a fine or other debts. After transfer, the court will not issue a warrant or order to show cause for any delinquent fine or other debt except upon request by the municipality in a specific case.
4. The court will send the municipal collections unit copies of any subsequent motions, court orders or amended judgments relating to any debt, including restitution, which has been transferred.

IV. Levy on the Permanent Fund Dividend by Electronic Means

A. Levy

Pursuant to Civil Rule 69(i), the following government entities are authorized to serve writs of execution on the PFD Division of the Department of Revenue by electronic means:

1. Department of Law: writs to collect the judgments set out in Section II above.
2. The municipalities listed below are authorized to serve writs on the PFD Division by electronic means to collect the debts listed in Section III above.
 - a. Municipality of Anchorage
 - (1) All debts except restitution, effective January 15, 1994;
 - (2) Restitution, effective April 1, 2007
 - b. City and Borough of Juneau (effective May 1, 1994)
 - c. City of Fairbanks (effective September 1, 1995)
 - d. Fairbanks North Star Borough (effective July 15, 1998)
 - e. City of Kenai (effective August 24, 2001)
 - f. City of North Pole (effective August 24, 2001)
 - g. City of Cordova (effective March 21, 2002)
 - h. City and Borough of Sitka (effective April 1, 2002)
 - i. Ketchikan Gateway Borough (effective June 9, 2005)

- j. City of Soldotna (effective July 20, 2005)
- k. City of Wasilla (effective August 1, 2005)
- l. City of Palmer (effective August 22, 2005)
- m. City of Ketchikan (effective September 4, 2007)
- n. Matanuska-Susitna Borough (effective April 21, 2008)
- o. City of Houston (effective May 21, 2008)
- p. City of Kodiak (effective May 21, 2008)
- q. City of Kake (March 18, 2013)
- r. City of Dillingham (August 15, 2014)
- s. City of Bethel (July 11, 2016)

B. Service of Writ on PFD Division

The Department of Law and municipalities must follow the procedures required by the Permanent Fund Dividend Division for serving writs and notices of levy electronically. Because restitution, fines and other debts have different priorities as claims on Permanent Fund Dividends under AS 43.23.065(c), the process must distinguish each type of debt.

C. Money Seized

If a writ is served electronically, the PFD Division is authorized to either deposit any dividends seized directly into accounts designated by the Department of Law or municipality or transfer the funds by state warrant to the Department of Law Collections Unit or municipality.

D. Objections to Seizure

As provided by AS 43.23.065(d), the PFD Division will send notice of the seizure to each defendant from whom money is seized. If a defendant files an objection with the court alleging that a mistake has been made, the court will determine whether a mistake has been made. If the court schedules a hearing on the objection, the court must notify the collections office of the hearing. If the court finds that a mistake has been made, the court will order the Department of Law or municipality to return the money to its owner.

E. Return of Service

If a writ is served electronically, the Department of Law and municipality are not required to file with the court a return of service of the writ listing the cases in which the writ was served or the amounts, if any, seized. If a court needs this information in a specific case, the Department of Law or municipality must mail, email, or fax it to the court upon request.

F. Cost of Service of Writ of Execution on PFD

Except for the collection cost authorized by Minor Offense Rule 10(f), the Department of Law and municipalities may not assess the defendant a fee for the cost of service of the writ of execution on the PFD without prior written approval of the administrative director of the court system.

V. Satisfaction of Judgment

The Department of Law and municipalities are not required to file satisfactions of judgment, but they are required to provide payment and satisfaction information to the court or parties upon request.

ATTACHMENT A

AGREEMENT BETWEEN THE ALASKA COURT SYSTEM AND _____ Re TRANSFERRING DELINQUENT FINES AND OTHER DEBTS FOR COLLECTION IN CRIMINAL, UNDERAGE CONSUMING, AND MINOR OFFENSE CASES

Original Effective Date: _____
Date Amended: _____

The City of _____ (the city) and the Alaska Court System (the court system) agree as follows:

1. City's Readiness

- a. Technical Specifications. The city has reviewed and agrees to comply with the technical specifications for receiving electronic information from the court system's electronic case management system, currently CourtView. A copy of the current Technical Specifications and Data Elements is attached. The court system will notify the city of changes in the specifications.
- b. Ability to Import Data. The city has successfully imported test data from the court system showing that the city has the ability to electronically import collection records from court system.
- c. Permanent Fund Dividend RPII Memorandum of Agreement. The city has entered or agrees that it will enter into an agreement with the Permanent Fund Dividend Division to file electronic garnishments.
- d. Account Password Agreement. The city agrees to designate up to three city personnel to have access to the collection records provided by the court system. The city understands that each designated city employee is required to sign an Account Password Agreement. A copy of the Account Password Agreement is attached.

2. Administrative Bulletin 43

The city agrees to comply with applicable sections of Administrative Bulletin No. 43 and any future revisions to that bulletin. A copy of the bulletin is attached. The court will notify the city of changes in the bulletin other than additions to the list of cities in section IV.A.2 that are authorized to serve writs on the PFD Division electronically.

3. Electronic Transfer Procedures

The court system will provide the city with an electronic file containing the necessary data elements for debts that are transmitted electronically. The Information Services (IS) department of the court system is responsible for developing the format and delivery method for transferring the electronic file.

- a. The court system agrees to transfer information on the obligations listed in sections 4, 5, and 6 of this agreement.

- b. The court system will place the information in electronic files on a secure court system server so that the files are accessible only to the city and the court system.
- c. The city agrees not to alter in any way the information received from the court system or to add additional costs or charges without prior written approval of the court system.
- d. The city agrees that it will not electronically garnish any permanent fund dividends for any debts that were not transferred to it electronically by the court.¹³
- e. If the city obtains additional identifying information for the debtor (for example, SSNs) from its own sources (for example, police files, tax rolls), it may include that information when it executes on the PFD. The city must ensure that additional identifying information is matched to the correct debtor.
- f. The city agrees that all data provided to it by the court system will be electronically imported into its database or other collection system. The city agrees that it will not manually input the data into its collection system.
- g. The court will issue the city a continuing Writ of Execution.¹⁴ The city agrees to permanently retain this writ and make it available for inspection upon request by a debtor.

4. Costs to Be Transferred for Collection

- a. ***[For new agreements]*** Existing Judgments. Judgments for costs listed in 4.b that were entered more than five years before the effective date of the original agreement will not be transferred because Civil Rule 69(d) requires that a motion be filed before a writ of execution can be issued if five years have elapsed without a writ being issued on a judgment. These debts will be transferred within ____ days after the effective date of the original agreement.
- b. ***[For both new and amended agreements]*** New Judgments. The court system agrees to electronically transfer the following to the city within 30 days after the due date. The city agrees to accept these debts for collection.
 - (1) Criminal and Underage Consuming Cases ***[If city prosecutes city criminal and underage consuming offenses.]***
 - (a) Fines¹⁵
 - (b) Police Training Surcharges Owed to the State¹⁶

¹³ For example, if a city has obtained a small claims judgment against a debtor, the city may not include that debt in its collection procedures under this agreement because that judgment would not be included in any electronic transfer from the court system to the city under this agreement.

¹⁴ For more information on the Continuing Writ of Execution see Administrative Bulletin 43, Section III.D.

¹⁵ The court will not transfer fines ordered as a condition of a suspended imposition of sentence (SIS). When an SIS is imposed, most of the court's orders, including any fines, are conditions of probation, not direct court orders. These conditions of probation are not final judgments on which a writ of execution may be issued. However, some orders (such as restitution orders and surcharge orders) in an SIS order are direct court orders that remain civilly enforceable after the probation period expires. See AS 12.55.045(l) and Criminal Rule 32.6(i) concerning restitution. Writs can be issued to enforce such direct court orders.

- (c) Surcharges Owed to the Municipality ***[Only if city has ordinance authorizing additional surcharge(s).]***
 - (d) Cost of Appointed Counsel
 - (e) Cost of Imprisonment ***[Only if city has ordinance authorizing cost of imprisonment and judgment states a specific total dollar amount due and does state that the amount due is "X" dollars per day.]***
- (2) Minor Offenses
- (a) Fines¹⁶
 - (b) Police Training Surcharges Owed to the State¹⁷
 - (c) Court Costs Owed to the State (Minor Offense Rule 10(e))¹⁷
 - (d) Collection Costs Owed to the City (Minor Offense Rule 10(f))¹⁸

5. Debts Owed to the State

- a. The city agrees to collect the following costs for the State of Alaska, maintain accurate records of the amount each defendant owes and the amount paid or collected and transfer all payments as follows:

(1) Police Training Surcharges

The city agrees to transfer all police training surcharges at least quarterly by check to:

Alaska Police Standards Council
P.O. Box 111200
Juneau, AK 99811-1200

The check should be made payable to the State of Alaska. The check will then be deposited into the State's Revenue Account pursuant to AS 12.55.039(f). It is **not** necessary to include a list of the case numbers and defendants' names.

(2) Court Costs

The city agrees to transfer all court costs collected to the court system as follows:

- (a) When:

on January 2, April 1, July 1, and September 1 each year.

¹⁶ Police Training Surcharges are ordered under AS 12.55.039. These surcharges must be deposited in the state's general fund as required by AS 12.55.039(d) and AS 29.25.074. Under AS 29.25.074, a municipality may not enforce a penalty for violation of an ordinance for which AS 12.55.039 requires a surcharge unless the municipality authorizes the imposition of and provides for the collection of this surcharge.

¹⁷ Minor offense default judgments require the defendant to pay \$25 in court costs. Minor Offense Rule 10(e). Unlike collection costs, which belong to the city, court costs belong to the State of Alaska.

¹⁸ See Section 6 of this agreement for more information.

on the 1st of each month.

(b) How:

(i) Mail the check and an Excel spreadsheet to:

Fiscal Operations/Centralized Accounting
Alaska Court System
820 West 4th Avenue
Anchorage, AK 99501

The check must be made payable to: "Alaska Court System."

The excel spreadsheet must list the case numbers, defendants' full names, and the amount of court costs collected in each case. An example is attached.

(ii) In addition, the city agrees to **email** the Excel spreadsheet to: CentralizedAccounting@courts.state.ak.us

b. The city further agrees that before assigning debts owed to the State of Alaska to a private collection agency, the city must receive written authorization from the administrative director of the Alaska Court System. The court system will authorize collection by a private collection agency only if there is no cost to the state, unless otherwise approved by the Department of Law Collections Unit.

The administrative director agrees that the city may assign debts owed to the State of Alaska to a private collection agency as long as there is no cost to the state to do so.

6. City Collection Costs

Under Minor Offense Rule 10(f), the court will assess the defendant \$25 in collection costs in minor offense cases when the fine and surcharges are transferred to the city for collection. Collection costs belong to the city. The city agrees that it will **not** assess additional collection costs for seizing the PFD, even if its actual expenses exceed \$25, without prior written approval of the administrative director of the court system.¹⁹

7. Record of Payments, Credits and Refunds

For all debts transferred for collection, the city agrees to maintain an accurate accounting of the amount each defendant owes, including all payments, credits and refunds.

¹⁹ The \$25 collection cost is for electronic executions on the PFD. If a city elects to seize other property to satisfy the judgments, the city must request a writ of execution from the court. For service of that writ, the defendant may be assessed collection costs in the amount authorized by Civil Rule 69 and Administrative Rule 11.

8. Priority of Claims Against PFD

AS 43.23.065 establishes the priority of claims against permanent fund dividends. Because fines, court costs, collection costs, and surcharges have different priorities, the city agrees that collection costs, court costs, and surcharges will not be combined with the fine. Instead, the fine, each cost, and the surcharges will be garnished separately. The city further agrees that funds received from the Permanent Fund Dividend Division will be separately accounted for and allocated between the city and the State of Alaska according to the priority specified in the statute. See attached chart entitled "Priority of Claims Against PFD."

9. Objections to Permanent Fund Dividend Seizure

If the city seizes a permanent fund dividend and the defendant notifies the city that a mistake has been made, the city agrees that it will immediately attempt to determine whether the city has made a mistake and, if so, correct the mistake. If the matter cannot be resolved within fifteen calendar days, the city agrees to inform the defendant that (a) the defendant can file an objection with the court system; and (b) this objection must be filed with the court within 30 calendar days from the date the Permanent Fund Dividend Division mailed notice to the defendant that the defendant's dividend was seized.

10. Integration

This agreement and all attachments and amendments embody the entire agreement of the parties. There are no promises, terms, conditions or obligations other than those contained herein; and this agreement shall supersede all previous communications, representations or agreements, either oral or written, between the parties hereto.

11. Amendment

a. Any change in this agreement must be in writing, executed by authorized representatives of the parties, with the same formality as this agreement was executed.

b. For purposes of any change to the terms and conditions of this agreement, the only authorized representatives of the parties are:

Court System: Administrative Director and
Deputy Administrative Director

City of _____: (Title of Representative)

c. Any attempt to change this agreement by either an unauthorized representative or unauthorized means shall be void.

12. Termination

a. This agreement may be terminated

(1) by mutual consent of the parties, or

(2) by either party upon 90 days written notice to the other party prior to the effective date of the termination. Notice of termination must be sent via

facsimile (fax), email, or mailed by first class mail to the following addresses:

City of _____:
(name of representative)
(title of representative)
Mailing Address:
Phone Number:
Fax No:
Email:

Court: (name of administrative director)
Administrative Director
Alaska Court System
820 W. Fourth Ave.
Anchorage AK 99501
Fax No: (907) 264-8291
Email:

- b. Upon termination, the city will transfer information regarding the balance due on each case to the court system. The transfer must occur no later than 10 days after the termination date. The city agrees to preserve all records regarding writs of execution, payments, credits, and refunds and to provide this information to the court system upon request.

13. Effective Date of Original Agreement: _____

CITY OF _____

ALASKA COURT SYSTEM

(Name of Representative)
(Title)

(Name)
Administrative Director

Date: _____

Date: _____

Attachments:

Administrative Bulletin 43
Technical Specifications and Data Elements
Account Password Agreement
Excel Spreadsheet for Transferring Court Costs to Fiscal Operations Alaska Court System
Chart of Priority of Claims Against PFD

Distribution:

Original to Administrative Director
Duplicate Original to Municipality
Copy to: IS Applications Manager
IS CMS Manager
Clerk of Court