

IN THE SUPREME COURT OF THE STATE OF ALASKA

ORDER NO. 1352

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.

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(a)(25).

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.

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- 2. This order is made for the sole reason that the legislature has mandated the amendment.
- 3. The following note is added at the end of Administrative Rule 43.1:

Note to SCO 1352: The requirement that the bail amount for offenses committed within a highway work zone be doubled was added by §§ 1 and 2, ch. 64 SLA 1998, adopting 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: February 18, 1999

EFFECTIVE DATE: April 30, 1999

/s/  
Chief Justice Matthews

/s/  
Justice Eastaugh

/s/  
Justice Fabe

/s/  
Justice Bryner

/s/  
Justice Carpeneti