

IN THE SUPREME COURT OF THE STATE OF ALASKA
ORDER NO. 1530

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 and 13 AAC 40.010(b).

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.

* * *

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 1530: The requirement that a mandatory court appearance is necessary if an offense is connected to a fatal motor vehicle accident was added by §§ 1 and 3, ch. 89 SLA 2003, adopting AS 28.05.151(e). This order is made for the sole reason that the legislature has mandated the amendment.

DATED: November 5, 2003
EFFECTIVE DATE: *Nunc pro tunc* to September 1, 2003

/s/
Chief Justice Bryner

/s/
Justice Matthews

/s/
Justice Eastaugh

/s/
Justice Fabe

/s/
Justice Carpeneti