

IN THE SUPREME COURT FOR THE STATE OF ALASKA

ORDER NO. 651

Adopting Administrative  
Rule 43, relating to bail  
forfeiture schedules

IT IS ORDERED:

Administrative Rule 43 is adopted to read as follows:

Administrative Rule 43. Bail Forfeiture Schedules.

(a) Procedure for Adopting Bail Forfeiture Schedule. The supreme court will consider adopting a bail forfeiture schedule only when so authorized by statute or ordinance. The agency charged with enforcement under a statute or ordinance for which a bail forfeiture schedule has been authorized shall forward to the administrative director its recommendations for a proposed schedule, listing offenses by number, describing the offenses, and proposing a bail forfeiture amount. The proposed schedule shall be accompanied by commentary explaining the basis for the agency's recommendation, and by a copy of the proposed citation form. The supreme court shall consider the recommendation, and shall determine whether to adopt a bail forfeiture schedule, and if so, shall determine which offenses are amenable to disposition by bail forfeiture and whether the bail forfeiture amounts are appropriate. The administrative director shall notify the agency when an order adopting the schedule is issued.

(b) Procedure for Amending Bail Forfeiture Schedules.

(1) By July 1 of each year, each agency charged with enforcement under a statute or ordinance for which a bail forfeiture schedule has been authorized shall forward to the administrative director of the Alaska Court System its written recommendation concerning whether the schedule must be amended to reflect any legislative and regulatory changes, or whether policy considerations warrant revisions. Any proposed amendments shall be accompanied by commentary. The supreme court shall consider the agency's recommendations, and determine by October 1 whether

to adopt them. If it will be impractical for the court to respond by that date, the administrative director will inform the agency of the date by which the response can be expected. The administrative director shall notify the agency when an order amending the schedule is issued.

(2) In addition to the provisions of paragraph (b)(1), an agency may request a bail forfeiture schedule amendment whenever the need arises.


(3) Any person or agency may request a bail forfeiture schedule amendment at any time by proposing an amendment in writing to the chief justice or to the administrative director.

Informational Note


Adopted Schedules. Bail forfeiture schedules have been adopted for motor vehicle and traffic offenses under AS 28.05.151 (Supreme Court Order Nos. 209, 385 and 491), for traffic violations established in the Anchorage Municipal Code (Supreme Court Order Nos. 462, 496 and 506), for fish and game misdemeanors under AS 16.05.165 (Supreme Court Order No. 627), and for smoking violations under AS 18.35.341 (Supreme Court Order No. 595).

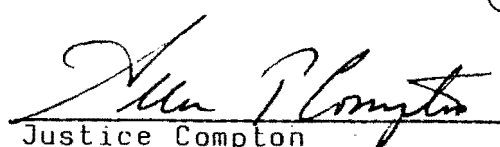
DATED: June 6, 1985

EFFECTIVE DATE: July 1, 1985

  
Chief Justice Rabinowitz

  
Justice Burke

  
Justice Matthews

  
Justice Compton

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Justice Moore