

IN THE SUPREME COURT FOR THE STATE OF ALASKA

ORDER NO. 961

Amending District Court Criminal Rule 8(d) and (e) concerning forfeiture of bail for minor offenses.

IT IS ORDERED:

1. A new paragraph (5) is added to District Court Criminal Rule 8(d) to provide:

(5) The court may enter a conviction and forfeit the bail of a person who requests a trial under subparagraph (d)(1)(B) if the person has been sent notice of a trial date and then fails to appear on the scheduled date. The notice must state that the court may forfeit bail and enter a conviction if the person fails to appear. No further notice of the forfeiture is necessary.

2. District Court Criminal Rule 8(e) is amended to provide:

(e) Mandatory Court Appearance.

(1) Any person charged with a minor offense:

(i) for which no bail forfeiture amount has been established in a bail forfeiture schedule or no scheduled fine has been established by municipal ordinance; or

(ii) who has not waived appearance and entered a plea under paragraph (d) of this rule; or

(iii) who has failed to provide proof of compliance to a law enforcement agency under a statute, regulation or ordinance that permits dismissal of the citation upon a showing of compliance;

shall appear for arraignment at the time and place designated on the citation. 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 District Court Criminal Rule 1. The defendant shall be admitted to bail in accordance with AS 12.30.020 without regard to the bail amounts

established in the applicable bail forfeiture schedule and with preference to release on the person's own recognizance. A defendant shall not be incarcerated solely for inability to post a bail amount which may be established.

(2) The court may enter a conviction and forfeit the bail of a person who fails to appear at either arraignment or trial, if the person has received notice that the court may follow this procedure. No further notice of the forfeiture is necessary.

DATED: March 30, 1989

EFFECTIVE DATE: July 15, 1989

Chief Justice Matthews

Justice Rabinowitz

Justice Burke

Justice Compton

Justice Moore