

**HOUSE BILL NO. 175**

IN THE LEGISLATURE OF THE STATE OF ALASKA  
TWENTY-SEVENTH LEGISLATURE - FIRST SESSION

**BY THE HOUSE JUDICIARY COMMITTEE**

**Introduced: 2/28/11**

**Referred: Judiciary, Finance**

**A BILL**

**FOR AN ACT ENTITLED**

1 **"An Act relating to an appearance before a judicial officer after arrest; relating to**  
2 **penalties for operating a vehicle without possessing proof of motor vehicle liability**  
3 **insurance or a driver's license; relating to penalties for certain arson offenses; amending**  
4 **Rule 5(a)(1), Alaska Rules of Criminal Procedure, and Rule 43.10, Alaska Rules of**  
5 **Administration; and providing for an effective date."**

6 **BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:**

7 **\* Section 1.** AS 12.25.150(a) is amended to read:

8 (a) A person arrested shall be taken before a judge or magistrate without  
9 unnecessary delay, and in any event within **48** [24] hours after arrest, including  
10 Sundays and holidays. This requirement applies to municipal police officers to the  
11 same extent as it does to state troopers.

12 **\* Sec. 2.** AS 12.70.130 is amended to read:

13 **Sec. 12.70.130. Arrest without warrant.** The arrest of a person may also be

1 lawfully made by a peace officer or a private person without a warrant upon  
 2 reasonable information that the accused stands charged in the courts of another state  
 3 with a crime punishable by death or imprisonment for a term exceeding one year, but  
 4 when arrested the accused must be taken before a judge or magistrate without  
 5 unnecessary delay and, in any event, within **48** [24] hours after arrest, including  
 6 Sundays and holidays, and complaint shall be made against the accused under oath  
 7 setting out the ground for the arrest as in AS 12.70.120. Thereafter the answer of the  
 8 accused shall be heard as if the accused had been arrested on a warrant.

9 \* **Sec. 3.** AS 28.15.131 is amended by adding a new subsection to read:

10 (b) Violation of this section is an infraction.

11 \* **Sec. 4.** AS 28.22.019(c) is amended to read:

12 (c) A person convicted under this section is guilty of **an infraction** [A CLASS  
 13 B MISDEMEANOR] and **shall be sentenced to pay a mandatory fine of \$500**  
 14 [MAY BE PUNISHED AS PROVIDED IN AS 12.55, EXCEPT THAT A FINE OF  
 15 AT LEAST \$500 MUST BE IMPOSED].

16 \* **Sec. 5.** AS 41.23.220 is amended to read:

17 **Sec. 41.23.220. Penalty.** (a) **Except for conduct that is a violation of**  
 18 **AS 11.46.420, a** [A] person who violates a provision of AS 41.23.180 - 41.23.230 or a  
 19 regulation adopted under AS 41.23.180 - 41.23.230 is guilty of a violation as defined  
 20 in AS 11.81.900.

21 (b) **Except for conduct that is a violation of AS 11.46.420, the** [THE]  
 22 supreme court shall establish by order or rule a schedule of bail amounts for violations  
 23 under (a) of this section that allow the disposition of a citation without a court  
 24 appearance.

25 \* **Sec. 6.** The uncodified law of the State of Alaska is amended by adding a new section to  
 26 read:

27 DIRECT COURT RULE AMENDMENT. Rule 5(a)(1), Alaska Rules of  
 28 Criminal Procedure, is amended to read:

29 (1) Except when the person arrested is issued a citation for a  
 30 misdemeanor or a violation and immediately thereafter released, the arrested person  
 31 shall be taken before the nearest available judge or magistrate without unnecessary

1       delay **and in any event within forty-eight hours after arrest, including Sundays**  
2       **and holidays**. This appearance may be accomplished by the use of telephonic or  
3       television equipment pursuant to Criminal Rules 38.1 and 38.2. [NECESSARY  
4       DELAY WITHIN THE MEANING OF THIS PARAGRAPH (a) IS DEFINED AS A  
5       PERIOD NOT TO EXCEED FORTY-EIGHT HOURS AFTER ARREST,  
6       INCLUDING SUNDAYS AND HOLIDAYS.]

7       \* **Sec. 7.** The uncodified law of the State of Alaska is amended by adding a new section to  
8       read:

9               INDIRECT COURT RULE AMENDMENT. The amendments to AS 41.23.220, made  
10       in sec. 5 of this Act, have the effect of changing Rule 43.10, Alaska Rules of Administration,  
11       by prohibiting the disposition of a violation of AS 11.46.420 without court appearance and  
12       forfeiture of bail amounts.

13       \* **Sec. 8.** The uncodified law of the State of Alaska is amended by adding a new section to  
14       read:

15               APPLICABILITY. (a) Sections 1 - 4 of this Act apply to arrests for offenses  
16       committed before, on, or after the effective date of this Act.

17               (b) Sections 5 - 7 of this Act apply to offenses committed on or after the effective date  
18       of this Act.

19       \* **Sec. 9.** This Act takes effect July 1, 2011.