

ALASKA COURT SYSTEM  
OFFICE OF THE ADMINISTRATIVE DIRECTOR  
ADMINISTRATIVE BULLETIN NO. 39  
(Amended Effective November 1, 2016)

TO: ALL HOLDERS OF ADMINISTRATIVE BULLETIN SETS:

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SUBJECT: Processing of Minor Offense Citations Issued by Municipal Peace Officers or Other Persons Authorized by Law to Issue Citations

This administrative bulletin is promulgated to implement the provisions of AS 12.25.210(a) and Administrative Rule 49 and to establish procedures for the filing of minor offense citations by municipalities.

Dated: November 23, 2016  
Nunc Pro Tunc: November 1, 2016

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/s/  
Christine E. Johnson  
Administrative Director

Original bulletin was issued December 30, 1987; amended July 1, 2003, January 1, 2008, April 1, 2011, July 24, 2013, October 15, 2014, and November 1, 2016.

The November 1, 2016, revision includes:

- changes in the Definitions section to reference Minor Offense Rule 5(a)(4) and new Minor Offense Rule 6(a)(2),
- changes in Section B(2)(d) concerning municipal requests for judgments under new Minor Offense Rule 5.1,
- addition of an “Exception” footnote #7 in section B(3)(a)(1) explaining when the 10-day time limit for filing citations does not apply (that is, citations issued and served by any method other than personal service), and
- corrections of some typographical errors.

## A. DEFINITIONS

1. **Minor Offense.** See definition in Minor Offense Rule 2.
2. **Correctable Offense.** An offense that may be dismissed if the defendant shows a law enforcement agency proof of correction (for equipment defects) or proof of compliance (for driver's license and insurance offenses).<sup>1</sup> Ordinarily, correctable offenses are listed in municipal fine schedules or state bail forfeiture schedules so the defendant has the option of mailing in a fine amount instead of showing proof of compliance. If the offense is listed in such a schedule, the correctable offense is treated like an optional court appearance offense.
3. **Fine Schedule.** A "fine schedule" is a municipal ordinance that lists offenses that can be disposed of without a court appearance. A fine schedule includes the name and ordinance number of each offense, the fine for each offense, and the procedure for disposing of the charges by submitting a "no contest" plea along with payment of the fine and any applicable surcharge required by state statute.
4. **Mandatory Court Appearance Offense.** An offense not listed in a municipal fine schedule or state bail forfeiture schedule. The defendant is required to appear in court to answer to the charge.<sup>2</sup> Minor Offense Rule 6.
5. **Municipality.** A political subdivision incorporated under the laws of the state that is a home rule or general law city, a home rule or general law borough, or a unified municipality. AS 01.10.060.
6. **Optional Court Appearance Offense.** An offense listed in a municipal fine schedule or state bail forfeiture schedule. The defendant may (a) plead no contest and submit payment of the citation, (b) plead not guilty and request a trial, or (c) request to appear for arraignment. Minor Offense Rule 5.
7. **Non-Payee City.** A municipality that files all citations (mandatory and optional court appearance) with the court.
8. **Payee City.** Municipalities in which citations for municipal optional court appearance offenses are filed with the municipality and defendants send their responses to the citation to the municipality.

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<sup>1</sup> Note: Proof of compliance with driver's license and insurance requirements can be made to the court as well as to police agencies. Minor Offense Rule 5(a)(4).

<sup>2</sup> However, the defendant can avoid appearing in court for arraignment by submitting a "not guilty" plea. Minor Offense Rule 6(a)(2).

## B. PAYEE CITIES

1. **Applicable Municipalities.** This section applies to the following municipalities:

Anchorage	Ketchikan
Cordova	Ketchikan Gateway Borough
Craig	Petersburg
Fairbanks	Sitka
Juneau*	Wrangell
Kenai	

\*Exception: Effective July 24, 2013, all citations issued by the Juneau Police Department are filed with the Juneau court and processed as provided in Section C of this Bulletin. Citations for fine-schedule offenses issued by **other** Juneau departments or agencies will continue to be filed with the City and Borough of Juneau.

2. **Payee City Citations That Must Be Filed with the Municipality**

- a. Filing the Citation. If a citation charges an offense under a municipal ordinance that is listed on a municipal fine schedule, the peace officer shall deposit the original or a copy of the citation with the designated office in the municipality as required by AS 12.25.210(a).
- b. Records of Conviction. These municipalities must comply with AS 28.15.191(f), which requires them to forward records of fine payments received after no contest pleas for traffic moving violations to the Department of Administration (Division of Motor Vehicles).
- c. Default Judgments for Failure to Respond. These municipalities may request the court to enter a default judgment for defendants who fail to respond to citations as follows:
  - (1) The municipality must first send defendants a 15-day warning notice required by Minor Offense Rule 9(a)(2).
  - (2) To request default judgment for defendants who fail to respond to the warning notice, the municipality must file the citation with the court together with a Request and Affidavit for Default Judgment on court form TR-102M.
  - (3) Requests for default judgment must be filed within six months of issuance of a citation.<sup>3</sup>

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<sup>3</sup> Minor Offense Rule 9(a)(3).

- d. Request for Entry of Judgment.<sup>4</sup> A payee city may request the court to enter a judgment for defendants who:
- (1) submits a no contest plea but do not submit payment or payment was not completed due to insufficient funds, or
  - (2) makes a partial payment with or without submitting a plea of no contest.

To request a judgment, the municipality must file the citation with the court together with a Request and Affidavit for Judgment on court form TR-425. The citation must be filed within six months after the citation was issued.

### 3. Citations That Must Be Filed with the Court

- a. The municipality (payee city) must file citations issued by a municipal peace officer with the court as follows:
- (1) *State Offense*. Citations in which the plaintiff is the State of Alaska<sup>5</sup> must be filed with the court within 10 days<sup>6</sup> from the date of issuance, except as provided in Minor Offense Rule 3(g)(3).<sup>7</sup>
  - (2) *Mandatory Court Appearance*. Citations charging an offense for which no scheduled fine amount has been established by ordinance must be filed with the court within 10 days from the date of issuance, except as provided in Minor Offense Rule 3(g)(3).<sup>4</sup>
  - (3) *Optional Court Appearance - Not Guilty Plea*. Citations for which the defendant has submitted a not guilty plea must be filed on the next business day following receipt of the not guilty plea.
  - (4) *Optional Court Appearance - Request for Arraignment*. Citations for which the defendant has submitted a request for

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<sup>4</sup> Minor Offense Rule 5.1.

<sup>5</sup> If a municipal officer charges a state offense that the municipality has not adopted by reference, the plaintiff must be the State of Alaska. Any fine paid must be deposited into the State's General Fund. AS 22.15.250 and .270.

<sup>6</sup> AS 12.25.210(a).

<sup>7</sup> Exception: Minor Offense Rule 3(g)(3) requires that proof of service be filed with the citation when it is filed with the court. The requirement that citations be filed within 10 days of issuance does not apply if the citation was served by a method listed in Minor Offense Rule 3(g)(2)(C) because it may not be possible to submit proof of service within 10 days after the citation is issued and served by one of those methods (e.g. service by certified mail).

arraignment must be filed with the court by the next business day following receipt of the request. The court will send the defendant a notice of hearing for the arraignment.

- b. For citations filed with the court, the municipality does not need to send the 15-day warning notice or request default judgment. The court will send defendants who fail to respond the 15-day warning notice required by Minor Offense Rule 9(a)(2) and enter default judgment against any defendant who fails to respond to the warning notice.

#### 4. **10% Processing Fee for Citations Filed With Court**

Administrative Rule 49 authorizes the assessment of a processing fee only for “uncontested municipal citations for which a fine schedule has been established by municipal ordinance...”

For citations filed with the court,

- a. Until further notice, the court system will charge a 10% processing fee<sup>8</sup> for:
  - (1) fines paid to the court after a defendant pleads no contest to an optional court appearance offense (including correctable offenses listed on fine or bail schedules), and
  - (2) fines paid to the court on a default judgment for an optional court appearance offense (including correctable offenses listed on fine or bail schedules).

The processing fee equals 10% of the gross revenue collected by the court from the above fines, excluding surcharges. The court system will send the municipality a quarterly invoice for these fees.

- b. The court system will **not** charge a processing fee for:
  - (1) fines paid to the court for a mandatory court appearance offense, and
  - (2) fines paid to the court after a defendant is found guilty at a trial.

#### 5. **Procedure for Electing to Be a Non-Payee City**

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<sup>8</sup> The Administrative Director or area court administrator may waive this fee because of services provided to the court system by the municipality. The Administrative Director waived the 10% fee for the Municipality of Anchorage (MOA) in exchange for the MOA paying for the costs incurred to develop a data exchange for default judgments between the Municipality and the court.

- a. A payee city that elects to become a non-payee city must notify the Administrative Director in writing that it wishes to become a non-payee city. This request should be sent to:

Office of the Administrative Director  
Alaska Court System  
303 K Street  
Anchorage, Alaska 99501-2084  
Fax: (907) 264-0881

- b. The court system will prepare an agreement explaining the responsibilities of the municipality and the court when the municipality becomes a non-payee city.

### C. NON-PAYEE CITIES

1. **Filing the Citation.** In all other Alaska municipalities, all minor offense citations must be filed with the court.<sup>9</sup>

2. **10% Fee.**

- a. Until further notice, the court system will charge a 10% processing fee for:

- (1) fines paid to the court after a defendant pleads no contest to an optional court appearance offense (including correctable offenses listed on fine or bail schedules), and
- (2) fines paid to the court on a default judgment for an optional court appearance offense (including correctable offenses listed on fine or bail schedules).

The processing fee equals 10% of the gross revenue collected by the court from the above fines, excluding surcharges. The court system will send the municipality a quarterly invoice for these fees.

- b. The court system will **not** charge a processing fee for:

- (1) fines paid to the court for a mandatory court appearance offense, and
- (2) fines paid to the court after a defendant is found guilty at a trial.

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<sup>9</sup> AS 12.25.210(a) provides that citations filed with the court must be filed within 10 days of issuance except as provided in footnote 7.

3. **Records of Conviction.** The court system will forward records of conviction for traffic moving violations to the Department of Administration, Division of Motor Vehicles as required by AS 28.15.191(a).
4. **Request to Become Payee City.**
  - a. A non-payee city that elects to become a payee city must notify the Administrative Director in writing that it is choosing to become a payee city. This notification should be sent to:

Office of the Administrative Director  
Alaska Court System  
303 K Street  
Anchorage, Alaska 99501-2084  
Fax: (907) 264-0881
  - b. The court system will prepare an agreement explaining the responsibilities of the municipality and the court when the municipality becomes a payee city.
5. **Default Judgments for Failure to Respond.** The court will send defendants who fail to respond to citations the 15-day warning notice required by Minor Offense Rule 9(a)(2). The court will also enter default judgment against any defendant who fails to respond to the warning notice. Non-payee cities do not need to send the 15-day warning notice or request default judgment.

#### **D. ENFORCEMENT OF JUDGMENTS**

If defendants do not pay their municipal fines voluntarily, it is the responsibility of the municipality to take the actions necessary to enforce payment. The courts will not engage in enforcement efforts on behalf of municipalities, unless authorized to do so in writing by the area court administrator.

#### **E. ELECTRONIC EXECUTION ON THE PFD TO STATISY MINOR OFFENSE JUDGMENT**

If a payee or non-payee city wants court authorization to execute electronically on a defendant's Alaska Permanent Fund Dividend to collect a fine, the municipality must enter into an agreement with the court system as described in Administrative Bulletin 43 and follow the required procedures.