ALASKA RULES OF COURT

RULES OF ADMINISTRATION*

Table of Contents

Rule

1 Administrative Director of Courts—Duties.
2 Appointment and Compensation of Employees—Practice of Law by Personnel Prohibited.
3 Information and Data to be Furnished to Administrative Director and Presiding Judges.
4 Seals of Court.
(a) Seal of the Court of Appeals.
(b) Seal of the Trial Courts.
(c) Possession of Seals.
5 Disposal of Money Paid to or Deposited With the Court.
6 Interpreter Services in Court Proceedings for Persons with Limited English Proficiency.
(a) Construction.
(b) Court System Responsibility to Pay for Interpreter Services.
(c) Method of Delivery.
(d) Court-Provided Second Interpreter at Hearings or Trial.
(e) Amount the Court System Pays.
6.1 Interpreter Services in Court Proceedings for Persons with a Physical Disability.
(a) Court Proceedings.
(b) Amount the Court System Pays.
7 Witness Fees.
(a) Amount.
(b) Travel Expense.
(c) Expert Witnesses.
(d) Payment.
(e) Demand of Payment in Advance in Civil Cases.
(f) Parties and Attorneys as Witnesses.
8 Physicians' Fees.
8.1 Health Care Provider Expert Advisory Panel Fees.
(a) Compensation by Court.
(b) Request for Compensation.
9 Fee Schedule.
(a) In the Supreme Court and the Court of Appeals.
(b) Filing Fees—Superior Court.
(c) Filing Fees—District Court.
(d) Electronic Recordings and Related Fees.
(e) Miscellaneous Fees in the Superior Court and the District Court.
(f) General Provisions.
9.1 Form of Payment.
(a) Bail.
(b) Other Payments to the Court.
(c) Other Forms of Payment.
10 Exemption from Payment of Fees—Determination of Indigency.
11 Fees—Service of Civil Process.
12 Procedure for Counsel and Guardian Ad Litem Appointments at Public Expense.
(a) Intent.
(b) Appointments under AS 18.85.100(a) (Public Defender Agency).
(1) Appointment Procedure.
(2) Determination of Indigency.
(3) Assessment of Costs.
(c) Appointments under AS 44.21.410 (Office of Public Advocacy).
(1) Appointment Procedure.
(2) Indigency Determination.
(3) Assessment of Costs.

(d) Withdrawal from Unauthorized Appointment.
(e) Other Appointments at Public Expense.
(1) Constitutionally Required Appointments.
(2) Servicemembers Civil Relief Act.
(3) List of Private Attorneys.
(4) Appointment Orders.
(5) Compensation.
(6) Recovery of Costs.
(f) Responsibilities of Appointed Counsel.
14 Jury Service Fees.
15 Jury Selection and Service.
(a) Administration.
(b) Statewide Master Jury List.
(c) Local Master Lists.
(1) Creation of Local Lists.
(2) Community Assignments.
(3) Alternative Assignments.
(d) Term Lists, Summonses, and Questionnaires.
(e) Juror Deferrals.
(1) 10-Month Limit.
(2) Deferral as a Matter of Right.
(3) No Deferral Allowed.
(4) Deferral after Term of Service Begins.
(5) Partial Deferral for Shift Workers.
(6) Failure to Appear for Deferred Service.
(f) Juror Excusals.
(1) Temporary Excusals.
(2) Permanent Excusals.
(3) Length of Excusal after Jury Service.
(4) Exclusions List.
(g) Notice of Juror Status.
(h) Selection of Prospective Trial Jurors.
(i) Trial Jury.
(j) Juror Privacy.
(1) Court Use Only.
(2) Limited to Parties.
(3) No Disclosure.
(4) Selection Hearing Records.
(5) Attendance Records.
(k) Term of Service.
(l) Definitions.
(1) Deferral of Jury Service.
(2) Jury Summons.
(3) Jury Year.
(4) Natural Faculties.
(5) Permanent Excusals.
(6) Qualification Questionnaire.
(7) Temporary Excusal.
(8) Term List.
(9) Term of Service.
(10) Trial Jury.
(11) Trial Panel.
(12) Trial Questionnaire.
16 Judicial Holidays—Transaction of Business.
(a) Judicial Holidays.
(b) Holidays Falling on Sunday or Saturday.
(c) Special or Limited Holidays.
17 Sessions and Offices of the Supreme Court.

(a) Sessions of the Supreme Court.
(b) Offices.
(c) When Clerk's Office Is Open.
17.5 Sessions and Offices of the Court of Appeals.
(a) Sessions of the Court of Appeals.
(b) Office.
(c) When Clerk's Office Is Open.
18 Superior and District Courts—Time and Place of Sitting.
(a) Superior and District Courts—When Open for Business.
(b) Magistrate Judges—Time of Sitting—Office Hours.
(c) Courts Open During Noon Hour.
19 Number and Location of District Court Judges and Magistrate Judges.
(a) District Court Judges.
(b) Magistrates.
19.1 Qualifications of Magistrate Judges Who Seek Appointment as District Court Judges Under AS 22.15.160(a)(2).
19.2 Deputy Magistrates.
(a) Introduction.
(b) Qualifications.
(c) Appointment.
(d) Duties.
(e) Limitations on Deputy Magistrate Duty.
(f) Classification and Compensation.
20 Magistrate Judge Salaries.
21 Conduct of Proceedings.
(a) Proceedings on the Record and in Open Court.
(b) Judicial Robes.
22 Places for Holding Court in Time of War, Insurrection, Pestilence, or Other Public Danger.
23 Appointment of Retired Justices or Judges Pro Tempore—Compensation—Expenses.
(a) Appointment Pro Tempore.
(b) Eligibility.
(c) Judicial Performance Evaluation.
(d) Compensation.
(e) Additional Service Credit.
(f) Private Arbitration and Mediation.
24 Assignment of Judicial Officers.
(a) Assignments Within Judicial Districts.
(b) Temporary Assignments in Other Judicial Districts.
(c) Assignment of Appellate Judicial Officers.
(d) Assignments of Active Judges for Pro Tempore Appellate Service.
(e) Assignments of Active Judges for Other Pro Tempore Service.
(f) Scope and Duration of Assignment.
(g) Recommendations.
(h) Definitions.
25 Traveling Expenses of Judicial Officers and Employees.
26 Power of Court to Provide Proper Facilities for Transaction of Business in Court Payment of Expenses.
26.1 Court Facilities.
26.2 Court Security.
26.5 Chief Judge of the Court of Appeals.
27 Presiding Judge.
28 Judicial Vacations and Judicial Leave.
(a) Vacation Leave.
(1) Accrual of Leave.
(2) Extraordinary Hardship Exception.
(b) Sick Leave.
(c) Leave Without Pay.
(d) District Court Judges and Magistrate Judges.
(e) Discretion of Chief Justice, Chief Judge or Presiding Judge.
(f) Administrative Leave.

(g) Leave of Absence.
29 Trial Court Clerks—Appointment and Duties.
(a) Appointment.
(b) Powers and Duties.
30 Powers and Duties of Magistrate Judges in Cases Beyond Their Jurisdiction.
31 Additional Duties of Judicial Officers and Employees.
33 Magistrate Judge Training Judges.
34 Bonding of All Justices, Judges, Magistrate Judges, and Judicial Employees.
35 Electronic Recording Equipment — Official Court.
Record—Responsibility for Record.
36 Transcripts—Fees—Preparation.
37 Records Retention.
37.5 Access to Court Records.
(a) Scope and Purpose.
(b) Who Has Access to Court Records.
(c) Definitions.
(d) General Access Rule.
(e) Court Records Excluded from Public Access.
(1) Case Records.
(2) Administrative Records.
(f) Obtaining Access to Public Court Records.
37.6 Prohibiting Access to Public Case Records.
(a) Limiting Access.
(b) Standard.
(c) Least Restrictive Alternative.
(d) Procedure.
37.7 Obtaining Access to Non-Public Court Records.
(a) Allowing Access to Non-Public Records.
(b) Procedure.
37.8 Electronic Case Information.
(a) Availability.
(b) Bulk Distribution of Electronic Case Information.
(c) Distribution of Compiled Information.
(d) Fees.
38 Reports to Bureau of Vital Statistics—Superior Courts.
(a) Divorce—Annulment—Adoption.
(b) Change of Name—Delayed Birth Certificate—Legitimation.
39 Vital Statistics.
40 Index to Cases.
41 Case Numbering.
42 Docketing. (Reserved)
43 Bail Forfeiture Schedules.
(a) Procedure for Adopting Bail Forfeiture Schedule.
(b) Procedures for Amending Bail Forfeiture Schedules.
43.1 Traffic Bail Forfeiture Schedule.
43.2 Fish and Game Bail Forfeiture Schedule.
43.3 Parks Bail Forfeiture Schedule.
43.4 Smoking Bail Forfeiture Schedule.
43.5 Alcohol Bail Forfeiture Schedule.
43.6 Oversize Vehicle Bail Forfeiture Schedule.
43.7 Warning Signs Bail Forfeiture Schedule.
43.8 Watercraft Bail Forfeiture Schedule.
43.9 Skiing Bail Forfeiture Schedule.
43.10 Knik River Public Use Area Bail Forfeiture Schedule.
43.11 Weights and Measures Bail Forfeiture Schedule.
43.12 Marijuana Bail Forfeiture Schedule
43.13 Wildland Fire Bail Forfeiture Schedule

44 Rulemaking.
(a) Uniform Policy.
(b) Request for Rulemaking.
(c) Major or Minor Change.
(d) Minor Change.
(e) Major Change.
(f) Public Information.
(g) Standing Rules Committees.
(h) Appointment.
(i) Emergency Rule Action.
(j) Effective Date.
45 Concurrent Jurisdiction.
(a) Mandatory Filing.
(b) Amount in Controversy.
(c) Transfer by District Court.
(d) Transfer or Retention by Superior Court.
(e) Criminal Cases Unaffected.
46 Special Orders of the Supreme Court and Court of Appeals and Presiding Judge Orders.
(a) Judicial Administrative Orders.
(b) Uniformity Required.
(c) Definitions.
(1) Rules.
(2) Judicial Administrative Orders.
(3) Local Form Orders.
(d) Sanctions.
(e) Adoption.
(1) Filing.
(2) Review.
(3) Supreme Court.
(4) Distribution.
(5) Sunset Review.
(f) Local Form Orders.
47 Contract Claims Against the Alaska Court System.
(a) Claim Procedure Mandatory.
(b) Presentation of Claim to Deputy Administrative Director.
(c) Appeal of Disallowance by Deputy Administrative Director.
(d) Pre Hearing Procedures.
(e) Hearing Procedure.
(f) Decision.
48 Telephonic Hearing Costs.
49 Municipal Citations.
50 Use of Cameras and Electronic Devices in Court Facilities.
(a) General Provisions.
(b) In the Courtroom.
(c) Outside the Courtroom.
(d) Local Procedure.
(e) Reconsideration of Trial Court Denial of Request to Use Cameras and Electronic Devices.
(f) Coverage of Oral Argument in the Supreme Court and Court of Appeals.
51 Title.

***Editor's Note:** These Administrative Rules were rescinded and repromulgated by Supreme Court Order 412 effective July 1, 1980.

Rule 1. Administrative Director of Courts—Duties.

There shall be an administrative director of courts who shall, under policy guidelines provided by the supreme court:

(a) Supervise the administrative operation of the judicial system;

(b) Establish the administrative methods and systems to be employed in the offices of the clerks and other offices of the courts;

(c) Periodically inspect and examine the administrative methods and systems in use and make recommendations to the chief justice for the improvement of such administrative methods and systems;

(d) Establish a system of prescribed accounting practices for all courts including uniform procedures, consistent with existing law, for calculating interest on judgments and allocating payments to costs, interest, and principal;

(e) Examine the state of the calendars of all courts, determine the need for assistance by any court and confer with the justices and judges on the status of their calendars and administrative matters;

(f) When authorized by the chief justice, make assignments of judges to other judicial districts where the courts are in need of assistance and where the judge consents to the assignment;

(g) When directed by the supreme court, prescribe methods for the assignment and calendaring of cases in the superior or district court in any court location;

(h) Collect and compile statistical and other data and transmit copies of the same to the supreme court to the end that proper action may be taken in respect thereto;

(i) Prepare budget estimates of state appropriations necessary for the maintenance and operation of the judicial system and submit the budget request, as approved by the supreme court, to the legislature;

(j) Draw all requisitions requiring the payment of state monies appropriated for the maintenance and operation of the judicial system;

(k) Collect statistical and other data and make reports relating to the expenditure of public monies for the maintenance and operation of the judicial system and the offices connected therewith;

(*l*) Obtain reports from presiding judges, area court administrators, and clerks of court in accordance with the requirements of the supreme court on cases and other judicial business in which action has been delayed beyond periods of time specified by law or rules of court and make report thereof to the chief justice and the supreme court;

(m) Formulate and submit to the chief justice and the supreme court recommendations of policies for the improvement of the judicial systems; and

(n) Be legal advisor for the chief justice and the supreme court in all legal matters not adjudicatory in nature, such as:

(1) Preparation of memoranda on statutes which may affect the judiciary;

(2) Drafting of rules of practice, procedure and administration;

(3) Conducting and supervising research on procedure and court administration;

(4) Instruction of court personnel concerning rules or statutes governing ministerial and other non-adjudicatory duties;

(5) Preparing of syllabi for the basic legal instruction of magistrate judges and other lay personnel;

(6) Providing for the publication, annotation and editing of revisions and supplements to the Alaska Rules of Court; and

(7) Rendering legal opinions in any non-adjudicatory matters as directed from time to time by the chief justice.

(o) Adopt and publish procedures to govern the procurement of supplies, services, professional services, and construction by the judicial branch.

(p) Attend to such other matters as may be assigned by the chief justice.

(Adopted by SCO 412 effective July 1, 1980; amended by SCO 554 effective April 4, 1983; by SCO 802 effective nunc pro tunc July 1, 1985; by SCO 1153 effective July 15, 1994; by SCO 1494 effective September 19, 2002; and by SCO 1829 effective October 15, 2014)

Cross References

CROSS REFERENCE: Administrative Bulletin 68 (Calculation of Interest on Judgments and Allocation of Payment to Costs, Interest and Principal); Court Form ADM-505 (How to Determine Pre- and Post-Judgment Interest Rates).

Rule 2. Appointment and Compensation of Employees—Practice of Law by Personnel Prohibited.

(a) The administrative director shall promulgate personnel rules governing all personnel employed by the Alaska Court System. No employee may be exempt from the personnel rules except as specifically set forth in those rules. The personnel rules have the same force and effect as a rule of administration.

(b) The administrative director shall receive an annual compensation in an amount equal to $2,000.00 less than the annual compensation provided by law for a justice of the Alaska Supreme Court. Employees in the partially exempt and classified service are entitled to receive compensation in accordance with the salary and classification plan adopted by

the administrative director under the personnel rules. The administrative director with the approval of the chief justice shall appoint and fix the compensation of such assistants as are necessary to the exercise and performance of the powers and duties vested in the administrative director.

(c) No employee of the court system may be hired without the prior approval of the administrative director of the Court System or the administrative director's designee nor may an employee be hired except in accordance with the personnel rules.

(d) During the term of office or employment, neither the administrative director nor any other employee of the Alaska Court System may engage directly or indirectly in the practice of law in any of the courts of this state.

(Adopted by SCO 412 effective July 1, 1980; amended by SCO 1153 effective July 15, 1994; and by SCO 1502 effective February 7, 2003)

Rule 3. Information and Data to Be Furnished to Administrative Director and Presiding Judges.

(a) Justices, judges, masters, magistrate judges, clerks of the courts, and all other officers and employees of the court system shall comply with all requests made by the administrative director for information and statistical data concerning cases of such courts and such other information as may reflect the business transacted by them.

(b) The court system shall maintain a current list of all matters under advisement in the superior and district courts in each judicial district. The clerk of the appellate courts shall maintain a list of all matters under advisement in the supreme court and the court of appeals. Such lists shall contain the following information:

(1) The name of the justice, judge, magistrate judge, or master having such matter under advisement;

(2) The date upon which each matter was referred to the justice, judge, or magistrate judge for decision or, in the case of a master, for preparation of report;

(3) The nature of the matter under advisement;

(4) The title of the action; and

(5) The case number.

(c) Each list shall be available to the judicial officers who may appear on the list and to the administrators and court staff designated by the administrative director.

(d) Superior court, district court, and magistrate judges who disqualify themselves for cause shall set forth the specific reasons for the disqualification in writing and send the statement to their presiding judge.

(Adopted by SCO 412 effective July 1, 1980; amended by SCO 443 effective November 13, 1980; by SCO 554 effective April 4, 1983; by SCO 629 effective September 15, 1985; by SCO 1153 effective July 15, 1994; by SCO 1829 effective October 15, 2014; and by SCO 1873 effective April 27, 2016)

Rule 4. Seals of Court.

(a) **Seal of the Court of Appeals.** The seal of the court of appeals is a vignette of the official flag of the state with the words "Seal of the Court of Appeals of the State of Alaska" surrounding the vignette.

(b) **Seal of the Trial Courts.** The seal for the superior and district courts is a vignette of the official flag of the state with the words "Seal of the Trial Courts of the State of Alaska" surrounding the vignette.

(c) **Possession of Seals.** The clerk of the court, or if there is no clerk, the judge or magistrate judge, shall keep possession of the physical seal of the court. The seal of the court may be applied manually or programmed to appear on court-generated documents automatically.

(Adopted by SCO 412 effective July 1, 1980; amended by SCO 443 effective November 13, 1980; by SCO 1829 effective October 15, 2014; and by SCO 1890 effective October 15, 2016)

Rule 5. Disposal of Money Paid to or Deposited With the Court.

(a) The administrative director shall designate, in accordance with written procedures established by the administrative director, the banking institutions to serve as depositories for all monies paid to, or deposited with, the courts. Certain accounts in the designated banks shall be the depositories for trust funds held by the various courts. Monies may be withdrawn from the accounts in accordance with procedures established by the administrative director.

(b) The proceeds of all fees, forfeitures, penalties and all other monies (except trust funds) collected by or deposited with the courts shall be deposited in the appropriate bank account for transfer to the general fund of the state in accordance with procedures established by the administrative director.

(Adopted by SCO 412 effective July 1, 1980; amended by SCO 1153 effective July 15, 1994)

Rule 6. Interpreter Services in Court Proceedings for Persons with Limited English Proficiency.

(a) **Construction.** This rule shall be liberally construed and applied to promote meaningful participation in court proceedings, consistent with due process, by persons with limited English proficiency. A limited English proficient (LEP) person is someone who speaks a language other than English as his or her primary language and has a limited ability to read, speak, or understand English.

(b) **Court System Responsibility to Pay for Interpreter Services**. The court system will provide and pay for the necessary services of an interpreter during proceedings in court for all parties, witnesses, and victims with limited English proficiency in all cases and for other individuals with limited English proficiency as follows:

(1) for the parents or guardian of the juvenile in delinquency proceedings, and

(2) for the tribal representatives, foster parents, out-of-home care providers, or grandparents in child-in-need-of-aid proceedings.

(c) **Method of Delivery.** Interpreter services may be provided in-person, telephonically, or by video depending on the availability of qualified interpreters, the court location, and the length of the proceeding.

(d) **Court-Provided Second Interpreter at Hearings or Trial.** To prevent interpreter fatigue and ensure effective communication, the court system may, in its discretion, provide and pay for the services of a second, qualified interpreter at any hearing or trial that exceeds two hours. A court-provided "proceedings" interpreter may, upon request, interpret confidential communications between an LEP individual and his or her attorney during the course of a hearing or trial. If an LEP party desires a separate "table" interpreter to sit at counsel table to facilitate confidential attorney-client communications, the party must provide and pay for that interpreter.

(e) **Amount the Court System Pays.** When the court system provides and pays for interpreter services, the rate or fee paid is set by Administrative Bulletin 82.

(Adopted by SCO 412 effective July 1, 1980; amended by SCO 469 effective June 1, 1981; by SCO 816 effective August 1, 1987; by SCO 1134 effective July 15, 1993; by SCO 1182 effective July 15, 1995; by SCO 1280 effective January 15, 1998; by SCO 1390 effective nunc pro tunc to January 1, 2000; by SCO 1503 effective nunc pro tunc to January 1, 2003; rescinded and readopted by SCO 1796 effective July 1, 2013; amended by SCO 1817 effective November 22, 2013; and by SCO 1896 effective October 15, 2016)

Notes: This rule does not limit a judicial officer's authority under Civil Rule 95 to order a party to pay the costs of interpreter services as a sanction for violation of Civil Rule 11.

An individual who is eligible to receive a court-provided interpreter under this rule should request interpreter services as early as possible in the case by filing a notice or otherwise notifying the local clerk of court. The court system's Interpreter Services Coordinator is available to assist any agency, attorney, or litigant to locate a qualified language interpreter or translator to provide language services remotely or on-site. The Interpreter Services Coordinator can be reached at interpreters@akcourts.us.

Rule 6.1. Interpreter Services in Court Proceedings for Persons with a Physical Disability.

(a) **Court Proceedings.** The court system will provide and pay for interpreter services during proceedings in court in civil and criminal cases where a party or witness is deaf, mute, or otherwise unable to effectively communicate because of a physical disability.

(b) **Amount the Court System Pays.** The rate or fee the court system pays for interpreter services is set by Administrative Bulletin 82.

(Adopted by SCO 1796 effective July 1, 2013)

Note: This rule does not limit a judicial officer's authority under Civil Rule 95 to order a party to pay the costs of interpreter services as a sanction for violation of Civil Rule 11.

Rule 7. Witness Fees.

(a) **Amount.** A witness attending before any court, referee, master, grand jury or coroner's jury or upon a deposition in a discovery proceeding, whose testimony is necessary and material to the action, shall receive a witness fee of $12.50 if such attendance, including the time necessarily occupied in traveling from the witness' residence to the place of attendance and returning from that place, requires not more than three consecutive hours. If such attendance requires more than three consecutive hours, the witness shall receive a witness fee of $25.00 for each day of attendance. Any witness who attends at a point so far removed from the witness' residence as to necessarily prohibit return thereto from day-to-day shall receive per diem at the rate allowed for state employees.

(b) **Travel Expense.** Every witness who is required to travel in excess of 30 miles from the witness' residence is entitled to receive reimbursement for round-trip travel from the witness' residence to the place of court at the rate allowed for state employees.

(c) **Expert Witnesses.** Recovery of costs for a witness called to testify as an expert is limited to the time when the expert is employed and testifying and shall not exceed $150.00 per hour, except as otherwise provided in these rules. A party may not recover costs for more than three independent expert witnesses as to the same issue in any given case, unless the judge permits recovery for an additional number of expert witnesses. For purposes of this rule, an independent expert is a witness who is retained or specially employed to provide expert testimony in the case or whose duties as an employee of the party regularly involve giving expert testimony.

(d) **Payment.** Witness fees, travel expense and per diem shall be paid from the appropriation to the judiciary only for witnesses called or appointed by the court or in coroner's cases. In all other cases, these fees and expenses shall be paid by the parties, and in civil cases, shall be taxed and collected as other costs.

(e) **Demand of Payment in Advance in Civil Cases.** Witnesses in civil cases, except when subpoenaed by the state, a municipality, a borough, a city, or an officer or agency thereof, may demand the payment in advance of their travel expense and their per diem fee for one day, and when so demanded shall not be compelled to attend until the allowances are paid.

(f) **Parties and Attorneys as Witnesses.** A party to the action or hearing, if a witness, is entitled to receive the same witness fees, per diem and travel expense as any other witness. A person appearing as an attorney for any party to an action or hearing, who also testifies as a witness therein, is not entitled to receive any witness fee, per diem or travel expenses.

(Adopted by SCO 412 effective July 1, 1980; amended by SCO 559 effective May 2, 1983; by SCO 791 effective March 15, 1987; by SCO 1153 effective July 15, 1994; by SCO 1172 effective July 15, 1995; and by SCO 1492 effective October 15, 2002)

Rule 8. Physicians' Fees.

Physicians shall be allowed a reasonable fee for performing the following services:

(a) An examination under order of court pursuant to AS 47.30.700 or such other examination as may be ordered by the court upon its own motion;

(b) Giving medical expert testimony at a hearing when ordered by the court in relation to such examination or in relation to an autopsy or post mortem examination ordered pursuant to AS 12.65.020.

Fees for such services shall be paid from funds appropriated to the judiciary. Claims for compensation shall be submitted for approval to the judicial officer ordering the examination or testimony, subject to final approval by the administrative director. In all other cases, physicians' fees shall be paid by the requesting party or parties.

The administrative director may authorize a fee under (a) of this rule to be computed other than on an hourly basis, provided that such computation results in a fee that is substantially the same as if computed hourly.

(Adopted by SCO 412 effective July 1, 1980; amended by SCO 813 effective August 1, 1987)

Rule 8.1. Health Care Provider Expert Advisory Panel Fees.

(a) **Compensation by Court.** Expert advisory panel members appointed pursuant to AS 09.55.536 will be reimbursed by the court for the reasonable expenses of transportation outside the panel member's city of residence which are necessary for the preparation of the panel's report. Panel members will be reimbursed for other expenses of preparing their report at the rate of $18.00 per hour, not to exceed $90.00 per day. If the panel member's reasonable and necessary actual expenses other than transportation expenses exceed this hourly rate, the panel member will be compensated for reasonable and necessary actual expenses in lieu of the hourly compensation. Panel members are not entitled to compensation from the court for any professional fees for service on the panel.

(b) **Request for Compensation.** In order to qualify for reimbursement, a panel member must submit to the trial court within thirty days after the submission of the expert report a written request for reimbursement which specifies by date and by nature of the item any transportation expenses, time spent preparing the report, and, if reimbursement for actual expenses is sought, all expenses. Claims for reimbursement must be submitted for approval to the assigned judge and are subject to final approval by the administrative director.

(Adopted by SCO 814 effective August 1, 1987)

Rule 9. Fee Schedule.

The fees specified in this rule shall be charged for the services designated as follows:

(a) **In the Supreme Court and the Court of Appeals:**

(1) Filing Fees:

(A) Upon filing a written notice of appeal or cross-appeal (Appellate Rule 204(b) or Rule 215(b)) $250.00

(B) Upon filing a petition for review or cross-petition for review (Appellate Rule 403(a)) 250.00

(C) Upon filing original proceedings (Appellate Rule 404) 250.00

(D) Upon filing a petition for hearing (Appellate Rule 303) 250.00

(E) There shall be no filing fee charged to a person for filing a written notice of appeal or a petition for review of a decision involving a claim for benefits under AS 23.20 (Employment Security Act).

(A) For preparation of case record for review by the Supreme Court of the United States, 200.00

(B) For copies of documents on file with the supreme court or the court of appeals, paragraph (e)(1) of this rule applies.

(C) For copies of court opinions, per opinion 5.00

(D) Paragraphs (e)(2) and (e)(4) of this rule apply to certification and notary public services in the appellate courts.

(b) **Filing Fees—Superior Court:**

(1) Upon filing any civil case, including a petition for deposition before action 250.00

For a motion to modify an order or decree awarding child custody, visitation, or support or awarding spousal maintenance or allocating property 75.00

(2) For probate matters:

(A) Upon filing a trust or estate action other than the registration or deposit of a will or trust document 250.00

(B) For depositing a will with the court for safekeeping 50.00

No fee will be charged if the will of a protected person or ward is deposited by the guardian or conservator pursuant to AS 13.26.285(e) after the death of the protected person or ward.

(C) For registration of a trust document 50.00

(D) Upon filing a petition for court approval of a minor's settlement, when it involves opening a new file 100.00

(E) There shall be no fee for filing a petition for appointment of a temporary property custodian under AS 22.15.110(a)(3).

(F) There shall be no fee for lodging a temporary property custodian affidavit and inventory.

(G) Upon filing any guardianship, conservatorship or other protective proceedings to include all services 150.00

Except:

(i) If a petitioner seeks appointment of a guardian or conservator or files another protective proceeding for more than one child at the same time, only one filing fee will be charged even though a separate petition must be filed for each child; and

(ii) there shall be no fee for filing a petition for an ex parte protective order under AS 13.26.207, an application for a temporary order under AS 13.26.208, or for modification of a protective order under AS 13.26.209(a).

(H) There shall be no fee for filing a petition for involuntary mental or alcohol commitment.

(3) Upon filing of an adoption proceeding 100.00

If the petitioner seeks to adopt more than one child at the same time, only one filing fee will be charged even though a separate petition must be filed for each child.

(4) Upon filing an appeal, including a sentence appeal, cross-appeal, petition for review, or cross-petition for review from district court 250.00

Except for any similar appeal from small claims court 100.00

(5) Upon filing an action to enjoin or enforce orders of the Alaska Worker's Compensation Board 250.00

(6) There shall be no fee for filing an action for review of a decision by the Department of Labor under AS 23.20 (Employment Security Act).

(7) Upon filing an appeal, cross-appeal, petition for review, or cross-petition for review from an administrative order (AS 44.62.560) 250.00

(8) There shall be no fee for filing a complaint or comparable pleading under the Uniform Interstate Family Support Act.

(9) There shall be no fee for filing a petition for a domestic violence, stalking, or sexual assault protective order.

(10) Upon filing a petition for change of name 200.00

If the petitioner seeks to change the name of more than one family member at the same time, only one filing fee will be charged even though a separate petition must be filed for each person who is requesting a change of name under Civil Rule 84.

(c) Filing Fees — District Court:

(1) Filing fees, district court jurisdiction 150.00

(2) Filing fees, small claims actions, claim for relief

(A) $2,500 or less 50.00

(B) more than $2,500 100.00

No additional filing fee is due when a small claims case is removed to district or superior court.

(3) There shall be no fee for filing a petition for a domestic violence, stalking, or sexual assault protective order.

(4) There shall be no fee for filing a presumptive death petition.

(5) There shall be no fee for filing a criminal, alcohol underage, or minor offense action.

(d) Electronic Recordings and Related Fees:

(1) For electronic recordings, other than electronic recordings of sentencing proceedings provided pursuant to Criminal Rule 32.2(d), each recording 20.00

(2) For recording depositions with court recording equipment, per hour, or fraction thereof 25.00

(e) Miscellaneous Fees in the Superior Court and the District Court:

(1) Copying.

For photocopying or making copies from microfiche or microfilm, the cost is

(A) For a single document or portion of a document 5.00

(B) If copies of multiple documents are requested at the same time, for each additional document (after the first) 3.00

(2) *Certification*.

A court can certify a copy of a document only if the original of the document is on file with the court. The cost of photocopying the document is included in the certification costs given below. For certifying a copy of any document, the cost is:

(A) Each document 10.00

(B) For each additional certified copy of the document requested at the same time 3.00

However, a party is entitled to receive one free certified copy of the final judgment or order in the party's case and one free certified copy of a clerk's certificate of name change under Civil Rule 84(c).

(3) For issuing exemplifications 15.00

(4) For notary public services 5.00

This fee shall not apply to notary services on documents which are to be filed in a pending action or which are related to official court business.

(5) For providing in writing requested information from search of records, per hour or fraction thereof 30.00

(6) For service of process by the court:

(A) By certified mail (postage provided by party) 5.00

(B) By registered mail (postage provided by party) 10.00

A party requesting service of process by certified or registered mail must supply an addressed envelope, adequate postage, and appropriate postal forms.

(7) For issuing marriage license 60.00

(8) For performing marriage ceremony 25.00

(9) Marriage commissioner fee 25.00

(10) For issuing writ of execution 25.00

Except there shall be no fee charged if the writ of execution is to enforce restitution for a victim proceeding without assistance from the court system's collections unit under Criminal Rule 32.6(f) or Delinquency Rule 23.2(f).

(f) General Provisions:

(1) No filing, writ, certifying, or copying fee will be charged to any person determined to be indigent under Administrative Rule 10.

(2) No filing, writ, certifying, mail process, or research fees will be charged to any agency of the State of Alaska. State agencies will not be charged copying fees except for copies of law library materials.

(3) Notarization required in an action by a person represented in such action by an attorney furnished to the person by an organization authorized to provide legal services to indigents is exempted from notary public fees provided under this schedule.

(4) A civil action or proceeding may be accepted for filing at the time of or prior to payment of the filing fee in the amount prescribed by this rule. The clerk may not issue a summons or otherwise proceed with the case until the filing fee is paid or the court grants a filing fee waiver. The civil case or proceeding will be dismissed without prejudice and without notice if, within 30 days from the date of filing, the filing fee has not been paid or a fee waiver has not been requested. Further or additional court fees may be charged only as specified in this rule.

(5) The fee for performance of a marriage ceremony shall be retained by the marriage commissioner as compensation for that service. A judicial officer or employee appointed as marriage commissioner shall deposit such fee in accordance with Administrative Rule 5(b).

(6) The administrative director may, by administrative bulletin, exempt particular categories of parties from any fees specified in subsections (d) and (e). The administrative director may also enter into special payment agreements for subsection (d) and (e) fees with government agencies or other entities.

(7) A convenience fee may be assessed for payments made by credit or debit card. The administrative director may, by administrative bulletin, determine the categories of charges that may be paid by credit or debit card, the types of credit and debit cards that can be accepted for payment, whether a convenience fee should be assessed, and the amount of the convenience fee considering the processing costs.

(Adopted by SCO 412 effective July 1, 1980; amended by SCO 423 effective September 1, 1980; by SCO 424 effective July 1, 1980; by SCO 443 effective November 13, 1980; by SCO 464 effective July 1, 1981; by SCO 472 effective June 1, 1981; by SCO 475 effective August 17, 1981; by SCO 482 effective September 1, 1981; by SCO 485 effective October 5, 1981; by SCO 490 effective January 4, 1982; by SCO 524 effective September 1, 1982; by SCO 525 effective September 1, 1982; by SCO 560 effective May 2, 1983; by SCO 648 effective July 1, 1985; by SCO 657 effective December 15, 1985; by SCO 692 effective July 1, 1986; by SCO 747 effective December 15, 1986; by SCO 749 effective December 15, 1986; by SCO 756 effective December 15, 1986; by SCO 779 effective March 15, 1987; by SCO 785 effective March 15, 1987; by SCO 843 effective June 24, 1987; by SCO 887 effective July 15, 1988; by SCO 888 effective July 15, 1988; by SCO 940 effective January 15, 1989; by SCO 947 effective October 17, 1988; by SCO 986 effective August 1, 1989; by SCO 1001 effective January 15, 1990; by SCO 1002 effective January 15, 1990; by SCO 1031 effective July 15, 1990; by SCO 1056 effective July 15, 1991; by SCO 1059 effective July 15, 1991; by SCO 1111 effective nunc pro tunc July 27, 1992;

by SCO 1129 effective July 15, 1993; by SCO 1133 effective July 15, 1993; by SCO 1140 effective July 1, 1993; by SCO 1153 effective July 15, 1994; by SCO 1164 effective July 15, 1994; by SCO 1201 effective July 15, 1995; by SCO 1214 effective July 15, 1995; by SCO 1261 effective September 26, 1996; by SCO 1268, 1269 and 1275 effective July 15, 1997; by SCO 1279 effective July 31, 1997; by SCO 1292 effective January 15, 1998; by SCO 1300 effective October 29, 1997; by SCO 1416 effective November 1, 2000; by SCO 1515 effective July 1, 2003; by SCO 1555 effective October 15, 2004; by SCO 1558 effective nunc pro tunc to August 1, 2004; by SCO 1535 effective April 15, 2005; by SCO 1605 effective October 15, 2006; by SCO 1623 effective October 15, 2006; by SCO 1630 effective April 16, 2007; by SCO 1650 effective October 15, 2007; by SCO 1656 effective April 15, 2008; by SCO 1741 effective August 1, 2010; by SCO 1787 effective July 1, 2012; by SCO 1793 effective nunc pro tunc September 4, 2012; by SCO 1795 effective nunc pro tunc September 4, 2012; by SCO 1829 effective October 15, 2014; SCO 1861 effective August 1, 2015; by SCO 1867 effective August 15, 2015; SCO 1893 effective August 10, 2016; SCO 1909 effective June 21, 2017; SCO 1918 effective January 1, 2018; by SCO 1921 March 21, 2018 and by SCO 1959 effective May 14, 2020)

Note: In 1996, the legislature enacted AS 18.66.160(c), which prohibits anyone from charging a fee for service of process in a proceeding to obtain a domestic violence protective order. According to § 76, ch. 64 SLA 1996, this statute has the effect of amending Administrative rule 9(e)(6).

Note: Chapter 87 SLA 03 (HB 1) enacted AS 18.65.865(b), which addresses fees for filing petitions for protective orders under AS 18.65.850-860 for persons who are victims of stalking not involving domestic violence. According to Section 8(a) of the Act, the new AS 18.65.865 has the effect of amending Administrative Rule 9 by providing that filing fees may not be charged in any action seeking only the relief provided in AS 18.65.850-860.

Note: Chapter 71 SLA 2012 (SB 86) added new sections to AS 13.26 relating to the protection of vulnerable adults, effective July 1, 2012. According to section 48(b) of the Act, AS 13.26.209(h), enacted by section 10, has the effect of amending Alaska Rule of Administration 9, by requiring that filling fees may not be charged for a petition for an ex parte protective order under AS 13.26.207, for an application for a temporary order under AS 13.26.208, or for modification of a protective order under AS 13.26.209(a).

Rule 9.1. Form of Payment.

(a) Bail. Bail for criminal offenses may be posted in cash, through a surety as authorized by law, or in another form of payment authorized by the court in the case.

(b) Other Payments to the Court. Unless otherwise ordered by the court in the case, other payments to the court, including but not limited to fines, bail forfeiture amounts authorized by supreme court order, appellate bonds, filing fees and other court fees, may be paid by cash, certified check, cashier's check, money order, traveler's check or personal check.

(c) Other Forms of Payment. The administrative director may authorize other forms of payment in specific court locations. In these locations, bail and other payments may be paid in the forms authorized by the administrative director and the forms listed in (a) or (b) above unless otherwise ordered by the court.

(Adopted by SCO 1065 effective July 15, 1991; and by SCO 1959 effective May 14, 2020)

Rule 10. Exemption from Payment of Fees—Determination of Indigency.

(a) The determination of a person's indigency for purposes of exemption from payment of fees under Rule 9(f)(1) shall be made by the court in which the action is filed as soon as practicable after the date the action is filed, but in no event more than 60 days after that date.

(b) A person who requests an exemption of fees shall file an indigency statement on a form prescribed by the administrative director of courts, except that a person represented by an attorney furnished by the Alaska Legal Services Corporation, the Alaska Pro Bono Program, the Alaska Network on Domestic Violence and Sexual Assault Pro Bono Program, or the Alaska Native Justice Center need not file such a form.

(c) If a person files the documents required by subparagraph (b) of this rule, or is represented by an attorney furnished by the Alaska Legal Services Corporation, the Alaska Pro Bono Program, the Alaska Network on Domestic Violence and Sexual Assault Pro Bono Program, or the Alaska Native Justice Center, the clerk or magistrate judge shall accept the pleadings for filing without payment of the filing fee.

(d) If the court finds that the person is not indigent, it shall order the person to pay the filing fee. The court may continue the action until such payment is made. If payment is not made within 30 days after notice of the order, the court may dismiss the action.

(e) The provisions of this rule do not apply to an exemption from payment of filing fees in litigation against the state. In this paragraph, "litigation against the state" has the meaning given in AS 09.19.100.

(Adopted by SCO 412 effective July 1, 1980; amended by SCO 888 effective July 15, 1988; by SCO 908 effective January 15, 1989; by SCO 1237 effective July 15, 1996; by SCO 1357 effective July 21, 1999; and by SCO 1790 effective October 15, 2012)

Note to SCO 1237: Administrative Rule 10(e) was added by ch. 79 § 16 SLA 1995. Section 1 of this order is adopted for the sole reason that the legislature has mandated the amendment.

Note: Section 3 of chapter 95 SLA 1998 amends the definition of prisoner litigation against the state that appears in AS 09.19.100(1). According to section 14 of the act, this

amendment has the effect of changing Administrative Rule 10(e) "by expanding the definition of 'litigation against the state' so that it has the meaning given in AS 09.19.100 as amended by sec. 3 of this Act."

Rule 11. Fees—Service of Civil Process.

(a) The following schedule establishes the maximum amount recoverable from another party as costs for the services designated.

(1) Service of Process:

(i) For service of any summons or subpoena—each person on whom service is made $45.00

(ii) For service of any warrant, attachment, notice of levy, intent to levy or garnishment, execution or other writ—each person on whom service is made 45.00

(iii) For each hour in excess of two actually and necessarily spent to obtain service under (i) or (ii) above 30.00

(iv) If more than one document involving the same case is given to the same individual at the same time only one fee shall be charged

(2) Sales of Property Pursuant to Final Process:

For advertising and disposing of property by sale, set-off, or otherwise, according to law, pursuant to a writ of possession, partition, execution, or any final process and for receiving and paying over money on account of property sold—on any sum not exceeding five hundred dollars Seven percent

And on any excess over five hundred dollars and not exceeding ten thousand dollars Four percent

And on any excess over ten thousand dollars and not exceeding fifty thousand dollars

Two and one-half percent

And on any excess over fifty thousand dollars

One and one-quarter percent

provided, that when the officer disposes of property by sale, set-off, or otherwise, according to law, but does not receive and pay over money on account of such sale, the officer shall receive one-half of the commission allowed in this subdivision.

(3) Deeds:

For executing a deed prepared by a party or a party's attorney 10.00

(4) Copies:

For copies of writs or papers furnished at the request of any party:

First page or fraction thereof 1.00

Each additional page or fraction thereof .25

(5) Inventories:

For making inventory of unclaimed property for each hour actually and necessarily spent 10.00

(6) Keeping Personal Property:

For keeping of personal property attached on mesne process, such compensation as the court, on petition setting forth the facts under oath, may allow.

(7) Mileage:

For mileage actually and necessarily traveled in going to serve, and in returning from the place of service, of any process described in paragraph (1) above, whether or not service was obtained, for the first 25 total miles or any portion thereof 20.00
And for each mile in excess of 25 actually and necessarily traveled the rate allowed for state employees*

(8) No fee shall be charged under this schedule for any service rendered to the state or any agency or department thereof

(b) All service of civil process and duties ancillary thereto under the Rules of Civil Procedure and applicable statutes shall be performed by private persons appointed under Civil Rule 4(c)(1), (4)(c)(3) or 4(c)(4), or by persons authorized by Civil Rule 45(c); provided, that a member of the Alaska State Troopers or other peace officer may render assistance to a process server as provided in Civil Rule 4(c)(3) or serve any process when directed to do so by the Commissioner of Public Safety. In this paragraph, "civil process" includes any summons, subpoena, attachment, notice of levy, intent to levy or garnishment, execution, or other writ in a civil action, but does not include any process, civil or criminal, served on behalf of the state for any department or agency thereof.

(9) Fee paid to the court under Rule 9(e)(10) for issuing a writ of execution: 25.00

* The allowable mileage rate for reimbursing state employees for approved travel in privately-owned vehicles may be found on the court website at:
http://www. courts.alaska.gov /faq.htm#mileage.

(Adopted by SCO 412 effective July 1, 1980; amended by SCO 526 effective October 1, 1982; by SCO 527 effective October 1, 1982; by SCO 548 effective February 1, 1983; by SCO 549 effective February 1, 1983; by SCO 588 effective January 1, 1984; by SCO 592 effective July 1, 1984; by SCO 815 effective August 1, 1987; by SCO 1071 effective July 15, 1991; by SCO 1153 effective July 15, 1994; by SCO 1400

effective October 15, 2000; by SCO 1653 effective April 15, 2008; and by SCO 1867 effective August 15, 2015)

Rule 12. Procedure for Counsel and Guardian Ad Litem Appointments at Public Expense.

(a) **Intent.** The court shall appoint counsel or a guardian ad litem only when the court specifically determines that the appointment is clearly authorized by law or rule, and that the person for whom the appointment is made is financially eligible for an appointment at public expense.

(b) **Appointments under AS 18.85.100 (a) (Public Defender Agency).**

(1) *Appointment Procedure.*

(A) When a person is entitled to counsel under AS 18.85.100(a), appointments shall be made first to the public defender agency. If the agency files a motion to withdraw on the grounds that it cannot represent the person because of a conflict of interest, if the parties stipulate on the record that the agency has a conflict of interest, or if the court on its own motion finds an obvious conflict of interest, the court accepting such motion or stipulation or making such finding shall appoint the office of public advocacy to provide counsel.

(B) The court may appoint an attorney in a case in which the office of public advocacy has been appointed only if:

(i) The office of public advocacy has shown that it is unable to provide counsel either by staff or by contract; and

(ii) The office of public advocacy has provided the court with the name or names of the attorneys who shall be appointed in that particular case.

The office of public advocacy shall be responsible for compensating any attorney appointed under this subparagraph.

(C) All claims for payment for services performed after July 1, 1984, by attorneys appointed by the court shall be submitted to the director of the office of public advocacy, under such procedures as the director may prescribe. The director shall approve, modify or disapprove the claim.

(2) *Determination of Indigency.* Determination of indigency or financial inability for appointments under paragraph (b) of this rule must be made in accordance with the provisions of Criminal Rule 39.

(3) *Assessment of Costs.* When counsel is appointed for a child when the child's parents or custodian are financially able but refuse to employ counsel to assist the child, the court may, when appropriate, assess as costs against the parents, guardian or custodian the cost to the state of providing counsel.

(c) **Appointments under AS 44.21.410 (Office of Public Advocacy).**

(1) *Appointment Procedure.* When a person qualifies for counsel or guardian ad litem services under AS 44.21.410, the court shall appoint the office of public advocacy. The court in its order appointing the office of public advocacy must state the authority for the appointment. In the case of a discretionary appointment, the court must give specific reasons for the appointment. In the case of a guardian ad litem appointment, the court shall limit the appointment to the pendency of the proceedings affecting the child's welfare, shall outline the guardian ad litem's responsibilities, and shall limit the guardian's authority to those matters related to the guardian's effective representation of the minor's best interests.

(2) *Indigency Determination.* For appointments of the office of public advocacy under this rule, other than an appointment required because of a conflict of interest with the public defender agency, a person is indigent if the person's income does not exceed the maximum annual income level established to determine eligibility for representation by the Alaska Legal Services Corporation. A person whose income exceeds the maximum amount for legal services representation may be determined indigent only if a judge makes a specific finding of indigency on the record, taking into account the funds necessary for the person to maintain employment, to provide shelter, and to clothe, feed and care for the person and the person's immediate family, the person's outstanding contractual indebtedness, the person's ability to afford representation based on the particular matter and the complexity of the case, the costs of living and attorneys fees in different regions of the state, and any liquid assets which could be counted as income.

(3) *Assessment of Costs.* In an appointment under AS 25.24.310 for representation of a minor, the court shall enter an order for costs, fees and disbursements in favor of the state. If the appointment is made in a proceeding in which custody, support or visitation is an issue, the court shall, if possible, avoid assigning costs to only one party by ordering that costs of the minor's legal representative or guardian services be paid from property belonging to both parents before a division of property is made.

(d) **Withdrawal from Unauthorized Appointment.** The public defender agency and the office of public advocacy shall accept appointments only in those cases for which the basis for the appointment is clearly authorized. If the agency or office determines that the basis for an appointment is not clearly authorized, the agency or office shall file with the court a motion to withdraw from the appointment.

(e) **Other Appointments at Public Expense.**

(1) *Constitutionally Required Appointments.*

If the court determines that counsel, or a guardian ad litem, or other representative should be appointed for an indigent person, and further determines that the appointment is not authorized by AS 18.85.100(a) or AS 44.21.410, but in the opinion of the court is required by law or rule, the court shall appoint an attorney who is a member of the Alaska Bar Association to provide the required services. Other persons may be appointed to provide required services to the extent permissible by law.

(A) Appointments may be made in the following types of cases without prior approval of the administrative director, but only in cases in which the required services would not otherwise be provided by a public agency:

(i) Attorneys for biological parents in adoption cases to the extent required by the Indian Child Welfare Act (25 USC 1901 et seq.),

(ii) Attorneys for minor children and indigent parents or custodians of minor children in minor guardianship cases brought pursuant to AS 13.26.060(d),

(iii) Attorneys for respondents in protective proceedings brought pursuant to AS 13.26 in which appointment of the office of public advocacy is not mandated by statute,

(iv) Attorneys for minor children or incompetents who are heirs or devisees of estates in cases in which the attorneys' fees cannot be paid as a cost of administration from the proceeds of the estate,

(v) Attorneys for indigent putative fathers in actions to establish paternity in which the state of Alaska provides representation for mothers,

(vi) Attorneys to represent indigent respondents in involuntary alcohol commitments brought pursuant to AS 47.37,

(vii) Attorneys for indigent parents who are defending against a claim that their consent to adoption is not required under AS 25.23.050(a).

(B) In all other cases, the court shall inform the administrative director of the specific reasons why an appointment is required prior to making the appointment.

(2) *Servicemembers Civil Relief Act.* When the opposing party is financially unable to pay for such representation, the court shall appoint a member of the Alaska Bar Association to represent an absent service person pursuant to the Servicemembers Civil Relief Act (50 App. U.S.C. § 521). Prior approval of the administrative director is not required.

(3) *List of Private Attorneys.*

(A) The presiding judge shall designate the area court administrator and a clerk of court for each court location in the district to keep and make available to the court in each location lists of attorneys or other persons eligible to receive court appointments under paragraph (e) of this rule.

(B) The attorney lists will first be compiled from names of persons who have volunteered to accept these appointments. If there are insufficient volunteers, the court will make appointments on a rotation basis from lists of eligible attorneys obtained from the Alaska Bar Association. The court may, in departing from a strict rotation basis, take into account the complexity of the case and the level of experience required by counsel.

(C) Lists of other persons available to provide required services will be compiled from names of qualified persons who have indicated their willingness to provide the required services.

(4) *Appointment Orders.* When the court appoints an attorney or other person under paragraph (e) of this rule, the clerk of the court from which the appointment was made shall immediately send a copy of the appointment order to the administrative director.

(5) *Compensation.*

(A) All claims for compensation must be submitted monthly or at least quarterly on forms provided by the court. The final claim for compensation must be submitted within 30 days following the disposition of a case. All claims must be submitted to Fiscal Operations, Alaska Court System, 820 West 4th Avenue, Anchorage, AK, 99501. The administrative director shall approve or disapprove the claim.

(B) Attorneys will be compensated at the rate of $75.00 per hour; provided, that total compensation for any case will not exceed $1,000.00 without prior approval of the administrative director. An attorney who is appointed to serve as a guardian ad litem will be compensated at the attorney rate.

(C) A person other than an attorney who is appointed to provide services will receive compensation as described below.

(i) A person appointed as a court visitor or guardian ad litem will be compensated at the rate that the Office of Public Advocacy would pay under contract for the same services; and

(ii) A person appointed to provide other required services will be compensated at a rate not to exceed $25.00 per hour.

The total compensation for any case covered by this subparagraph will not exceed $300.00 without prior approval of the administrative director.

(D) The costs of necessary interpreter services will be reimbursed at the rate that the court system would pay under Administrative Bulletin 82 for the same quality services.

(E) Extraordinary expenses will be reimbursed only if prior authority has been obtained from the administrative director, upon recommendation by the assigned trial judge. Extraordinary expenses exceeding $2,500.00 may be authorized only in extremely complex cases. In this paragraph, "extraordinary expenses" are limited to expenses for:

(i) Investigation;

(ii) Expert witnesses; and

(iii) Necessary travel and per diem, which may not exceed the rate authorized for state employees.

(F) If necessary to prevent manifest injustice, the administrative director may authorize payment of compensation or expenses in excess of the amounts allowed under this rule.

(6) *Recovery of Costs*. When counsel is appointed for a person in a case described in subparagraph 12(e)(1), the court shall order the person, or if the person is a child, the person's parents, guardian or custodian, to pay the costs incurred by the court in providing representation. Before appointing counsel, the court shall advise the person that the person will be ordered to repay the state for the cost of appointed counsel and shall advise the person of the maximum amount that the person will be required to repay. The court shall order the person to apply for permanent fund dividends every year in which the person qualifies for a dividend until the cost is paid in full. The clerk shall determine the cost of representation, and shall mail to the person's address of record a notice informing the person that judgment will be entered against the person for the actual cost of representation or for $500, whichever is less. The person may oppose entry of the judgment by filing a written opposition within 10 days after the date shown in the clerk's certificate of distribution on the notice. The opposition shall specifically set out the grounds for opposing entry of judgment. The clerk shall enter judgment against the person for the amount shown in the notice if the person does not oppose entry of the judgment within the 10 days. If the person files a timely opposition, the court may set the matter for a hearing and shall have authority to enter the judgment. Criminal Rule 39(c)(1) and (c)(2) shall apply to judgments entered under this section.

(f) **Responsibilities of Appointed Counsel.**

(1) An attorney appointed to represent an indigent person must advise the court if the attorney learns of a change in the person's financial status that would make the person financially ineligible for appointed counsel.

(2) An attorney appointed to represent an indigent person must move to withdraw if the attorney reasonably believes that the person has made a material misrepresentation of the person's financial status to the court. A material misrepresentation is a misrepresentation of facts that would make the person financially ineligible for appointed counsel. The attorney is not required to disclose to the court the existence or nature of the misrepresentation unless disclosure is necessary to prevent the person from fraudulently securing the services of appointed counsel.

(Adopted by SCO 412 effective July 1, 1980; amended by SCO 443 effective November 13, 1980; by SCO 528 effective September 1, 1982; by SCO 529 effective September 1, 1982; by SCO 626 effective April 19, 1985; by SCO 652 effective July 1, 1985; by SCO 676 effective April 25, 1986; by SCO 680 effective April 25, 1986; by SCO 689 effective April 24, 1986; by SCO 703 effective May 12, 1986; by SCO 889 effective July 15, 1988; by SCO 909 effective January 15, 1989; by SCO 1053 effective July 15, 1991; by SCO 1088 effective July 1, 1992; by SCO 1092 effective July 15, 1992; by SCO 1103 effective July 9, 1992; by SCO 1145 effective October 1, 1993; by SCO 1179 effective July 15, 1995; by SCO 1584 effective October 15, 2005; by SCO 1649 effective July 1, 2007; and by SCO 1848 effective January 1, 2015)

Dissent to SCO 1088:

RABINOWITZ, Chief Justice, with whom COMPTON, Justice, joins, dissenting:

I am not persuaded that either existing Criminal Rule 39, or Appellate Rule 209, requires amendment. I think it can be safely predicted that these amendments will have a chilling effect on an indigent defendant's obtaining the services of appointed counsel as well as on an indigent defendant's decision whether or not to seek review or to appeal.

Note: AS 18.85.170(4) defines "indigent person" for purposes of public defender appointments as "a person who, at the time need is determined, does not have sufficient assets, credit, or other means to provide for payment of an attorney and all other necessary expenses of representation without depriving the party or the party's dependents of food, clothing, or shelter and who has not disposed of any assets since the commission of the offense with the intent or for the purpose of establishing eligibility for assistance under this chapter."

Rule 14. Jury Service Fees.

(a) Jurors who appear for service will be paid at the rate established by the administrative director by administrative bulletin.

(b) Jurors who drive more than 30 miles (one way) for jury service will be reimbursed for mileage at the rate allowed to state employees. If jurors drive together, only one mileage reimbursement will be paid. Air and ferry transportation will be arranged by the court.

(c) A juror who cannot return home at the end of the trial day will receive lodging and meals at court system expense. The reimbursement rate for lodging and meals will be established by administrative bulletin.

(d) Because a juror who is employed by the State of Alaska continues to be paid by the employer, the court will not pay the juror for jury service. The juror is eligible to be reimbursed for travel under subsections (b) and (c).

(e) A juror will not be paid or reimbursed for travel if the juror mistakenly appears for jury service (1) because the juror failed to call in as instructed, or (2) after having been notified that the juror was excused or deferred.

(Adopted by SCO 412 effective July 1, 1980; amended by SCO 479 effective July 1, 1981; by SCO 801 effective August 1, 1987; by SCO 1153 effective July 15, 1994; rescinded and readopted by SCO 1860 effective October 15, 2015)

Cross References

CROSS REFERENCE: Administrative Bulletins 66 (Jury Fees) and 66.1 (Lodging and Meals for Jurors).

Rule 15. Jury Selection and Service.

(a) **Administration.** The administrative director of the courts is responsible for the management of the jury system and shall prescribe policies and procedures for efficient and effective jury management.

(b) **Statewide Master Jury List.** By November 30 of each year, the administrative director will prepare a statewide master list of prospective jurors in Alaska.

(c) **Local Master Lists**.

(1) *Creation of Local Lists*. Using the statewide master list, the administrative director will create a local master jury list for each court. The local master jury list will contain the names of all prospective jurors who live in the communities and areas assigned to that court as provided below.

(2) *Community Assignments*. The community in which a court is located will be assigned to that court. Other areas within a 50-mile radius of that court will also be assigned to that court except as follows:

(A) communities and areas located within 50 miles of more than one court will be assigned to the court in the same venue district;

(B) communities and areas located more than 50 miles from any court will remain unassigned unless the presiding judge assigns the community or area to a court; and

(C) no community or area will be assigned to more than one court.

(3) *Alternative Assignments*. Prospective trial jurors will be selected from all locations assigned to a court under paragraph (c)(2) unless an alternative assignment is authorized by the presiding judge. The presiding judge will forward any alternative assignments to the administrative director by October 1 each year.

(**d**) **Term Lists, Summonses, and Questionnaires.** For each court, there is a term of service specified in subsection (k), during which prospective jurors must be available to serve. Using the local master list, the clerk will prepare a term list that includes as many prospective jurors as are needed to be available for the term. A summons will be sent to each prospective juror on the term list along with instructions for completing a questionnaire to determine if the prospective juror is qualified to serve. The summons may be sent by regular mail or email. Qualification questionnaires may be completed online or returned to the court by mail.

(e) **Juror Deferrals.**

(1) *10-Month Limit*. Pursuant to AS 09.20.035, jury service may not be deferred for more than 10 months from the date the original term of service was scheduled to begin. If a juror requests a deferral beyond the 10-month limit, the request will be considered a request for excusal under paragraph (f)(1).

(2) *Deferral as a Matter of Right*. Before a person's term of service begins, the person may defer jury service once without providing a reason if the person agrees to another term of service beginning no later than 10 months from the date the original term of service was scheduled to begin. Courts may authorize additional deferrals as a matter of right within the 10-month limit.

(3) *No Deferral Allowed*. Persons summoned to serve a one-year term may not defer their service, but may request short-term excusals under paragraph (f)(1).

(4) *Deferral after Term of Service Begins*. After a person's term of service has begun, the person may request that the remaining term of service be deferred or that the person be temporarily excused under paragraph (f)(1). If the remaining term of service is deferred, the juror may be assigned to a new term within the 10-month limit, but only for the period of time unserved in the original term.

(5) *Partial Deferral for Shift Workers*. If a person's work schedule makes the person unavailable to serve a portion of every term, the jury clerk may defer that portion of service to a new term. The person may not be required to serve longer than the original term of service except that a person serving on a jury must continue to serve until discharged by the trial judge.

(6) *Failure to Appear for Deferred Service*. If a person has deferred jury service until the last available term within the 10-month limit and then fails to appear, the judicial officer may excuse the person for good cause, excuse the person and reassign the person to the next available term of service outside the 10-month limit, or impose a sanction authorized by law. A person who is reassigned to a new term of service under this paragraph ordinarily will not be reassigned again but may be excused.

(f) **Juror Excusals.**

(1) *Temporary Excusals*.

(A) Temporary Excusals by Judicial Officers for Hardship.

A judicial officer may temporarily excuse a person from jury service if it is shown that the person's health, the health or proper care of the person's family, a physical or mental disability, or other substantial hardship makes it necessary for the person to be excused. Depending on the length of the hardship, the excusal may be either:

(i) a short-term excusal during the term of service, or

(ii) a long-term excusal for one year from the first day of the term of service for which the person was summoned.

(B) Temporary Excusals by Clerk.

(i) Excusal for Failure to Meet Statutory Qualifications. If a person's response to the qualification questionnaire indicates that the person is not qualified for jury service under AS 09.20.010 or 09.20.020, the clerk will excuse the person from service after verifying the disqualification. If the reason for disqualification is that the person is not of sound mind or

in possession of the person's natural faculties, the person will be excused only if the person has a court-appointed guardian or if a licensed physician, psychologist, nurse practitioner, or physician's assistant verifies in writing that the person is unable to serve as a juror for medical reasons. If a person is excused because the person recently served on a jury, the length of the excusal is specified in paragraph (3) below. All other excusals under this provision will be for one year from the first day of the term of service for which the person was summoned.

(ii) Excusal of Judicial Officers (AS 09.20.030). Upon a judicial officer's request, the clerk will excuse the judicial officer from jury service for one year from the first day of the term of service for which the judicial officer was summoned.

(iii) Excusal for Hardship. A clerk may temporarily excuse a person from jury service for hardship to the extent authorized by administrative bulletin.

(2) *Permanent Excusals.*

Upon request, the clerk will permanently excuse a person from all future jury service if the person:

(A) is over age 70, or

(B) is permanently unable to serve as a juror for medical reasons, including physical or mental disability, if verified in writing by a licensed physician, psychologist, nurse practitioner, or physician's assistant.

(3) *Length of Excusal after Jury Service.* If a person has appeared for jury service in state or federal court in Alaska, the person is not required to serve again as a juror for one year after the end of the person's term of service. In a court with a local master jury list that includes over 50,000 people, the person will be excused for two years unless the administrative director determines that there are insufficient jurors on the local master jury list to accommodate the number of trials at the court location. If the jury service was in federal court, the term of service will be the term of service of the summoning state court rather than that of the federal court.

(4) *Exclusions List.* The administrative director will maintain a list of deceased and permanently excused persons to ensure that these persons are excluded from the statewide master jury list.

(g) **Notice of Juror Status.** After determining whether the person is qualified to serve and whether the person is eligible to be deferred or excused, the court will send the person a service reminder, deferral notice, or excusal notice.

(h) **Selection of Prospective Trial Jurors.**

(1) The clerk will eliminate from the term list the names of persons who are not qualified or who have been deferred or excused. All remaining persons must call in during the term as directed.

(2) Each week, based on the number of expected trials, the clerk will direct an appropriate number of prospective jurors to appear for service. The clerk will assign these prospective jurors to trial panels. A trial panel consists of prospective jurors who will be sent to the courtroom for possible inclusion on a trial jury.

(3) If a trial judge determines that the selection area defined in subsection (c) will not provide a trial jury which is a truly representative cross-section of the appropriate community, the trial judge may designate alternate or additional areas from which the trial panel will be selected.

(i) **Trial Jury.**

(1) A trial jury consists of those prospective jurors selected from the trial panel to hear a trial.

(2) Unless otherwise stipulated by the parties and approved by the trial judge, a trial jury shall consist of 12 persons for the superior court and six persons for the district court and for inquests and presumptive death hearings.

(3) The clerk shall select from the trial panel a number of names sufficient to comprise a trial jury and alternate jurors if the court decides alternate jurors are needed. The clerk shall select the names either by using a computer-generated random list or another method of random selection.

(4) Prospective trial jurors shall be examined, challenged, and sworn as provided in Civil Rule 47 or Criminal Rule 24.

(j) **Juror Privacy.**

(1) *Court Use Only.* The following materials are for internal court use only: the statewide master jury list, local master jury lists, local term lists, and qualification questionnaires.

(2) *Limited to Parties.* Trial questionnaires and trial panel lists are confidential. These items, along with the dates of birth of individuals on the trial panel list, will be provided to the parties and counsel of record for use by the parties, their attorneys, and agents of their attorneys only in connection with jury selection in the case for which the questionnaires and lists were prepared.

(3) *No Disclosure.* The parties, their attorneys, and agents of their attorneys shall not disclose or use the trial questionnaires, trial panel lists, or any compiled list of persons selected to serve on a jury except as permitted by this rule.

(4) *Selection Hearing Records.* If jurors are questioned in private, the electronic record and log notes related to that questioning are confidential. Otherwise, the electronic record and log notes from jury selection are public. Juror names must never be recorded in the log notes. Instead, juror names should only be recorded on the confidential form used to document juror selection.

(5) *Attendance Records.* The court may issue a certificate of attendance to a juror or the juror's employer. Any other record of juror attendance is confidential.

(k) **Term of Service.**

(1) Term of service is the period during which prospective jurors must be available to serve as jurors. During that period, the prospective jurors may be required to call in or appear for service.

(2) Except as otherwise provided by the administrative director, the term of service for a court is based on the size of that court's local master jury list as shown in the chart below. Any change in a court's term of service must be approved by both the presiding judge and the administrative director. All modified terms of service will be published in an administrative bulletin.

SIZE OF LOCAL MASTER JURY LIST	TERM OF SERVICE
Under 2,000 people	1 calendar year
2,000 to 7,000 people	3 consecutive calendar months per jury year unless interrupted by a deferral
7,000 to 99,999 people	1 calendar month per jury year unless interrupted by a deferral
100,000 or more people	1 calendar week per jury year

(3) *Maximum Length of Actual Service.* No person will be required to appear for jury service more than 30 days per year, except that a person serving on a jury must continue to serve until discharged by the trial judge. Calling in without appearing does not count as a day of service.

(l) **Definitions.**

(1) *Deferral of Jury Service* – the postponement of jury service to a later date as described in subsection (e).

(2) *Jury Summons* – a court order directing a prospective juror to be available to serve for a specific term at a court location.

(3) Jury Year – the calendar year during which a master jury list is in effect.

(4) *Natural Faculties* – normal abilities to reason, a term used in AS 09.20.010.

(5) *Permanent Excusals* – an excusal for life for reasons stated in paragraph (f)(2).

(6) *Qualification Questionnaire* – a set of questions used to determine whether a prospective juror meets the statutory qualifications for jury service.

(7) *Temporary Excusal* – an excusal for one year or less for reasons stated in paragraph (f)(1).

(8) *Term List* – a group of prospective jurors selected from the local master jury list who are summoned to serve for a specific term at a court location.

(9) *Term of Service* – the period during which a person must be available to serve as a juror. During that period, the person may be required to call in or appear for service.

(10) *Trial Jury* – those persons selected from the trial panel to serve as jurors.

(11) *Trial Panel* – that group of prospective jurors from the term list who are sent to the courtroom for possible inclusion on a trial jury (called "jury panel" in AS 09.20.080).

(12) *Trial Questionnaire* – a document filled out by members of a trial panel for purposes of jury selection.

(Adopted by SCO 412 effective July 1, 1980; amended by SCO 531 effective October 1, 1982; by SCO 890 effective July 15, 1988; by SCO 969 effective July 15, 1989; by SCO 1204 effective July 15, 1995; by SCO 1405 effective October 15, 2000; by SCO 1556 effective October 15, 2004; by SCO 1622 effective October 15, 2006; by SCO 1665 effective April 15, 2008; by SCO 1829 effective October 15, 2014; rescinded and readopted by SCO 1860 effective October 15, 2015; and by SCO 1926 effective July 1, 2018)

Note: Chapter 104 SLA 04 (HB 353) exempts teachers from jury service if they are teaching at a school that is designated as failing to make adequate yearly progress under P.L. 107-110. According to Section 2 of the Act, this has the effect of changing Administrative Rule 15(k) by establishing an additional cause for exemption from jury service. [In October 2006, SCO 1622 altered the subsections so that Administrative Rule 15(k), referred to in this Note, is now Administrative Rule 15(l).]

Rule 16. Judicial Holidays—Transaction of Business.

(a) **Judicial Holidays.** Subject to the provisions of AS 22.10.050 and AS 22.15.090, no court shall be open for the transaction of business on any judicial holiday as defined herein unless ordered by the presiding judge for good cause shown.

Judicial holidays are:

(1) Every Sunday;

(2) The first of January, known as New Year's Day;

(3) The third Monday of January, known as Martin Luther King, Jr.'s Birthday;

(4) The third Monday in February, known as President's Day;

(5) The last Monday of March, known as Seward's Day;

(6) The last Monday in May, known as Memorial Day;

(7) The fourth of July, known as Independence Day;

(8) The first Monday in September, known as Labor Day;

(9) The 18th of October, known as Alaska Day;

(10) The 11th of November, known as Veterans Day;

(11) The fourth Thursday in November, known as Thanksgiving Day;

(12) The 25th of December, known as Christmas Day;

(13) Every day designated by public proclamation by the President of the United States or the Governor of the state as a legal holiday.

If any day specified or provided for as a holiday in this rule falls on a day appointed for the holding or sitting of a court, or to which it is adjourned, it shall be deemed appointed for or adjourned to the next day not a judicial holiday.

(b) **Holidays Falling on Sunday or Saturday.** If any holiday designated in Rule 16(a)(2) through (12) falls upon a Sunday, the Monday following is a holiday and if it falls on a Saturday, the Friday preceding is a holiday.

(c) **Special or Limited Holidays.** On any special or limited holiday, all courts shall be open and function in their normal and usual manner. A special or limited holiday is a holiday applying only to a special class or classes of business, or a special class or classes of persons, and not appointed to be generally observed throughout the state by all classes of business and all classes of persons.

(Adopted by SCO 412 effective July 1, 1980; amended by SCO 977 effective January 15, 1990)

Rule 17. Sessions and Offices of the Supreme Court.

(a) **Sessions of the Supreme Court.** Sessions of the supreme court shall be held at such locations and times as may be designated by the chief justice, after consultation with the supreme court.

(b) **Offices.** The principal office of the supreme court shall be at Anchorage, Alaska. The chief justice or an associate justice may maintain an office at a place other than the principal office as designated by order of the court or of the chief justice.

(c) **When Clerk's Office Is Open.** The clerk's office with the clerk or a deputy in attendance shall be open during business hours from 8:00 a.m. until 4:30 p.m. on all days except judicial holidays and Saturdays.

(Adopted by SCO 412 effective July 1, 1980; amended by SCO 443 effective November 13, 1980; and by SCO 1153 effective July 15, 1994)

Rule 17.5. Sessions and Offices of the Court of Appeals.

(a) **Sessions of the Court of Appeals.** Sessions of the court of appeals shall be held at such times as may be designated by the chief judge, after consultation with the court of appeals, and at locations designated by the chief judge after consultation with the court of appeals and the chief justice.

(b) **Office.** The principal office of the court of appeals shall be at Anchorage, Alaska. A court of appeals judge may maintain an office at a place other than the principal office as designated by order of the supreme court or of the chief justice.

(c) **When Clerk's Office Is Open.** The clerk's office with the clerk or a deputy in attendance shall be open during business hours from 8:00 a.m. until 4:30 p.m. on all days except judicial holidays and Saturdays.

(SCO 443 effective November 13, 1980; amended by SCO 1894 effective August 10, 2016)

Rule 18. Superior and District Courts—Time and Place of Sitting.

(a) **Superior and District Courts—When Open for Business.** The superior and district courts shall be open for the transaction of business during business hours from 8:00 a.m. until 4:30 p.m. on all days except judicial holidays and Saturdays; provided, however, that the courts may at any time extend these hours as circumstances may require or as may be ordered by the presiding judge. The presiding judge may authorize the closure of an office for up to one hour per week for staff meetings and training under a plan approved by the administrative director. The clerk of court must give advance notice of the closure by posting notices on the court's bulletin board, on the doors of the courthouse, and in the clerk's office.

(b) **Magistrate Judges—Time of Sitting—Office Hours.** Magistrate judges shall sit in the conduct of trials and hearings as the business of their courts and the status of their calendars require. Offices of full-time magistrate judges shall be open to the public for the transaction of business during business hours from 8:00 a.m. until 4:30 p.m. on all days except judicial holidays and Saturdays. Offices of part-time magistrate judges shall be open to the public for the transaction of business as prescribed by the presiding judge.

In addition, magistrate judges shall be available at all times:

(1) to issue arrest warrants, search warrants, and summonses in criminal cases;

(2) to set bail;

(3) as may be necessary to conduct proceedings required under Criminal Rule 5, District Court Criminal Rule 1, CINA Rule 5 and Delinquency Rule 5; and

(4) to make emergency appointments of temporary property custodians under AS 22.15.110(a)(3).

Weekend and holiday duty must be equitably shared between magistrate judges and other judges except at court locations at which committing magistrate judges have been hired to perform weekend and holiday duty.

(c) **Courts Open During Noon Hour.** All courts with more than two employees will be open for business during the noon hour (12:00 noon to 1:00 p.m.).

(Adopted by SCO 412 effective July 1, 1980; amended by SCO 455 effective March 15, 1981; by SCO 885 effective July 15, 1988; by SCO 1207 effective July 15, 1995; by SCO 1223 effective nunc pro tunc to September 1, 1995; by SCO 1285 effective January 15, 1998; and by SCO 1829 effective October 15, 2014)

Rule 19. Number and Location of District Court Judges and Magistrate Judges.

(a) **District Court Judges.** The district court in each judicial district shall have the number of judges as set forth below:

First Judicial District – 2

Second Judicial District – 0

Third Judicial District – 14

Fourth Judicial District – 4

The number of district court judges may be changed from time to time by the Supreme Court as circumstances require.

(b) **Magistrate Judges.** Each judicial district shall have no more than the number of magistrate judges set forth below:

First Judicial District—13

Second Judicial District—18

Third Judicial District—23

Fourth Judicial District—16

The number and location of magistrate judges may be changed from time to time by the supreme court as circumstances require.

(Adopted by SCO 412 effective July 1, 1980; amended by SCO 594 effective May 4, 1984; by SCO 797 effective date nunc pro tunc September 1, 1986; by SCO 955 effective January 12, 1989; by SCO 1018 effective nunc pro tunc May 17, 1989; by SCO 1144 effective September 9, 1993; by SCO 1225 effective November 15, 1995; by SCO 1393 effective May 9, 2000; by SCO 1516 effective July 1, 2003; by SCO 1551 effective July 1, 2004; by SCO 1572 effective June 1, 2005; by SCO 1715 effective July 1, 2009; by SCO 1737 effective September 15, 2010; SCO 1829 effective October 15, 2014; by SCO 1922 effective July 1, 2018; and by SCO 1945 effective July 1, 2019)

Cross References

CROSS REFERENCE: AS 22.15.020.

Rule 19.1 Qualifications of Magistrate Judges Who Seek Appointment as District Court Judges Under AS 22.15.160(a)(2).

A magistrate judge is qualified for appointment to the office of district court judge under AS 22.15.160(a)(2) if he or she is a citizen of the United States and of the state, is at least 21 years of age, has been a resident of the state for at least five years immediately preceding the appointment, has served for at least seven years in the state as a magistrate judge in the exempt service of the Alaska Court System, and is a graduate of a law school accredited or approved by the Council of Legal Education of the American Bar Association or the Association of American Law Schools.

(Added by SCO 532 effective October 1, 1982; amended by SCO 1829 effective October 15, 2014)

Rule 19.2. Deputy Magistrates.

(a) **Introduction.** This rule governs the certification and appointment of court system employees as deputy magistrates. A person, other than a court system employee officially classified as judge, justice, magistrate, or committing magistrate, may not perform judicial duties unless that person is appointed master under the Alaska Rules of Court, or is otherwise given judicial duties by statute or court rule.

(b) **Qualifications.** A deputy magistrate must:

(1) be an Alaska Court System employee;

(2) be at least 21 years of age;

(3) be a United States citizen;

(4) be a resident of the State of Alaska for six months immediately preceding the appointment; and

(5) have received training from a training judge or another judicial officer designated by the presiding judge or by the chief justice, prior to appointment as a deputy magistrate, for each judicial duty which the appointee will be certified to perform.

(c) **Appointment.** The presiding judge may appoint a qualified court system employee as a deputy magistrate. The appointment order must be in writing and specify the duties which the deputy magistrate is authorized to perform. The appointment order must also contain the training judge's certification that the person appointed has received training in each of the judicial duties which the appointee is authorized to perform, and that the appointee is competent to perform each of these duties. Copies of the order must be sent to the appointee, chief justice, human resources director, magistrate services, training judge, area court administrator, and the highest ranking local judicial officer.

(d) **Duties.** A deputy magistrate may be appointed to perform only the following magistrate duties:

(1) acceptance of criminal complaints;

(2) issuance of summonses and arrest warrants;

(3) bail hearings;

(4) felony first appearances;

(5) misdemeanor and minor offense arraignments;

(6) acceptance of guilty or no contest pleas in misdemeanor and minor offense cases;

(7) sentencings following pleas accepted by the deputy magistrate;

(8) issuance of marriage licenses and performance of marriages;

(9) issuance of ex parte and emergency domestic violence protective orders pursuant to AS 18.66.110, and issuance of ex parte and emergency stalking and sexual assault protective orders pursuant to AS 18.65.855; and

(10) issuance of search warrants.

(e) **Limitations on Deputy Magistrate Duty.**

(1) A deputy magistrate may not perform the deputy magistrate duties listed in subsection (d) unless all other judicial officers are unavailable as defined by paragraph (e)(3), or additional weekend or holiday duty is authorized pursuant to paragraph (e)(2), or for supervised training purposes.

(2) The presiding judge may approve weekend or holiday duty by deputy magistrates subject to review by the chief justice.

(3) A judicial officer is unavailable for purposes of paragraph (e)(1) only if the judicial officer is conducting courtroom proceedings, is absent from the community on other court business, is ill, or is on leave. In addition, a judicial officer is unavailable for weekend or holiday duty if the judicial officer is on leave either the day before or after the weekend or holiday. A judicial officer is not unavailable for weekend or holiday duty only because the judicial officer is absent from the court building.

(4) A deputy magistrate who is not a clerk of court may perform magistrate duties only if there is no deputy magistrate at the court location who is a clerk of court or if the deputy magistrate who is a clerk of court is performing other judicial duties or is not at the court building.

(5) The limitations on performance of deputy magistrate duties in (e)(1)–(4) do not apply to a deputy magistrate who is performing deputy magistrate duties while being observed by a training judge.

(f) **Classification and Compensation.**

(1) A clerk of court appointed deputy magistrate will be classified two salary ranges above the classification which would normally be assigned to the position. A clerk of court appointed deputy magistrate is not entitled to upward reclassification if the deputy magistrate duties have previously been considered by the personnel office in the classification of the position.

(2) Compensation for a deputy magistrate who is exempt from the Fair Labor Standards Act will be $100.00 for each holiday, Saturday, or Sunday of on-call duty.

(3) Deputy magistrates who are not exempt from the Fair Labor Standards Act will be compensated for overtime magistrate work during the regular work week as provided by the Fair Labor Standards Act. Such deputy magistrates will be compensated for holiday, Saturday or Sunday on-call duty in the following manner:

(A) If a non-exempt deputy magistrate is required to perform magistrate duties while on-call during holidays, Saturdays, or Sundays, the deputy magistrate will be compensated either in accordance with the provisions of the Fair Labor Standards Act for those hours worked, or as provided in paragraph (f)(2) of this rule, whichever is greater.

(B) If a non-exempt deputy magistrate is not required to perform magistrate duties while on-call, the deputy magistrate will be compensated as provided in paragraph (f)(2) of this rule.

(4) A law clerk appointed deputy magistrate will receive no additional compensation, other than the law clerk's regular salary, for the law clerk's deputy magistrate functions, notwithstanding any other provision in this rule.

(Adopted by SCO 600 effective September 1, 1984; amended by SCO 885 effective July 15, 1988; by SCO 1258 effective nunc pro tunc to July 1, 1996; by SCO 1529 effective November 5, 2003; and by SCO 1722 effective January 1, 2010)

Rule 20. Magistrate Judge Salaries.

Magistrate judge salaries shall be determined in accordance with the personnel rules.

(Adopted by SCO 412 effective July 1, 1980; amended by SCO 1153 effective July 15, 1994; by SCO 1223 effective nunc pro tunc to September 1, 1995; and by SCO 1829 effective October 15, 2014)

Rule 21. Conduct of Proceedings.

(a) **Proceedings on the Record and in Open Court.** So far as practicable, all judicial business involving the trial of causes and conferences with members of the Bar or litigants shall be on the record and transacted in open court.

(b) **Judicial Robes.** All justices of the supreme court, all judges of the court of appeals, all judges of the superior court, all district court judges, and all magistrate judges, while presiding in a public session of court, shall wear a suitable black judicial robe.

(Adopted by SCO 412 effective July 1, 1980; amended by SCO 443 effective November 13, 1980; and by SCO 1829 effective October 15, 2014)

Rule 22. Places for Holding Court in Time of War, Insurrection, Pestilence, or Other Public Danger.

When it appears necessary because of actual or threatened war, insurrection, pestilence, or other public calamity, or because of actual or threatened destruction of, or danger to the building or the occupants of the building appointed for holding court in any judicial district, the presiding judge of the district may by order direct that the court be held or continued at any other place or facility in the judicial district. The order shall be filed with the clerk of the supreme court and a copy provided to the administrative director. The order shall be published as the presiding judge prescribes.

(Adopted by SCO 412 effective July 1, 1980)

Rule 23. Appointment of Retired Justices or Judges Pro Tempore—Compensation—Expenses.

(a) **Appointment Pro Tempore.**

(1) The chief justice, or another justice designated by the chief justice, may by special assignment appoint a retired justice of the supreme court or a retired judge of the court of appeals, the superior court, or the district court to sit pro tempore as a senior justice or judge in any court of this state where such assignment is deemed necessary for the efficient administration of justice.

(2) Pro tempore appointments may be made for one or more cases or for a specified period of time up to two years, except that a pro tempore judge or justice may complete a trial or appeal in progress at the conclusion of the appointment. A trial is deemed to be completed and a trial judge's appointment to a particular case terminates upon expiration of the time for filing an appeal. An appeal is deemed to be completed and an appellate judge's appointment to a particular case terminates upon expiration of the time for filing a petition for rehearing or, if a petition for rehearing is filed, upon entry of the order or opinion that disposes of the petition. Appointments may be renewed.

(b) **Eligibility.** Any judge who has reached mandatory retirement age or who has otherwise voluntarily retired is eligible for pro tempore appointment, with such judge's consent, subject to the provisions of the Judicial Canons, that are applicable to Senior Judges, Application Part B. A judge or justice voluntarily retired for incapacity remains ineligible unless or until a licensed physician finds that he or she is able to efficiently perform judicial duties during such period of incapacity. Any judge rejected on retention or removed from office by the supreme court pursuant to an investigation and recommendation of the Judicial Conduct Commission is ineligible for pro tempore appointment until such time as and if such judge is subsequently nominated and reappointed to the bench.

(c) **Judicial Performance Evaluation.** Every two years, the chief justice shall review the performance during the prior two-year period of all retired judges and justices who have served pro tempore. Such review shall be based upon (1) an evaluation of the performance of such justices and judges, to be conducted by the Alaska Judicial Council, which evaluation shall include a survey of the members of the bar in those judicial districts where such justices and judges have served pro tempore during the evaluation period; and (2) formal performance evaluations conducted by the presiding judges under whom such retired justices or judges have served. At the conclusion of such review, the chief justice shall determine the eligibility of such justices and judges to continue to serve pro tempore.

(d) **Compensation.** A retired justice or judge is entitled to receive compensation for judicial service pro tempore at the rate of $500 per day for any day during which the justice or judge served for four hours or more, and $250 per day for any day during which the justice or judge served less than four hours. The annual compensation for pro tempore service may not exceed the difference between the retired justice's or judge's annual retirement pay and the current annual base salary of a justice or judge of the court from which the justice or judge retired. The supreme court may relax this limit when necessary to cover an extended vacancy or in other extenuating circumstances. The retired justice or judge is eligible to receive health insurance coverage under the active employee plan as permitted under the statutes and regulations that govern participation in that plan. The retired justice or judge is not entitled to personal, annual, or sick leave benefits, and acceptance of an appointment pro tempore acts as a waiver of any claim to such benefits. For an appointment of over 90 consecutive days, such leave may be granted at the discretion of the administrative director upon confirmation by the chief justice.

(e) **Additional Service Credit.** A retired justice or judge who has not accrued the maximum service credit for retirement benefits under AS 22.25.020 is entitled to receive additional service credit for each day of pro tempore service until the maximum is reached.

(f) **Private Arbitration and Mediation.** If a retired judge acts as a private arbitrator or mediator, the judge must comply with the following rules to remain eligible for pro tempore appointment:

(1) The judge shall refrain from soliciting or accepting employment as an arbitrator or mediator from a lawyer or party who is currently appearing in a case assigned to the judge.

(2) The judge shall disqualify himself or herself from sitting as a pro tem judge in a case if the judge has previously served as an arbitrator or mediator in the same matter. This disqualification may be waived under Section 3F of the Code of Judicial Conduct.

(3) The judge shall disqualify himself or herself from sitting as a pro tem judge in a case if the judge is currently serving or scheduled to serve as an arbitrator or mediator for a lawyer or party in the case. This disqualification may be waived under Section 3F of the Code of Judicial Conduct.

(4) If within two years prior to the filing of a case assigned to a pro tem judge the judge has served as an arbitrator or mediator for a lawyer or party in that case, the judge shall disclose that fact on the record and disqualify himself or herself from sitting as a pro tem judge in that case. Disclosure must be made under this paragraph regardless of the amount of compensation that the judge received from the arbitration or mediation. This disqualification may be waived under Section 3F of the Code of Judicial Conduct.

(5) The judge shall refrain from accepting employment as an arbitrator or mediator from a lawyer or party who has appeared in a case assigned to the judge within the last six months.

(Adopted by SCO 412 effective July 1, 1980; amended by SCO 443 effective November 13, 1980; by SCO 597 effective July 19, 1984; by SCO 857 effective July 15, 1988; by SCO 1153 effective July 15, 1994; by SCO 1262 effective February 27, 1997; by SCO 1324 effective July 15, 1998; by SCO 1358 effective July 15, 1999; by SCO 1629 effective December 31, 2006; by SCO 1736 effective July 1, 2010; by SCO 1869 effective January 1, 2016; by SCO 1874 effective April 27, 2016; by SCO 1917 effective December 1, 2017; by SCO 1932 effective July 11, 2018; and by SCO 1952 effective July 24, 2019)

Rule 24. Assignment of Judicial Officers.

(a) **Assignments Within Judicial Districts.** Assignment of a judicial officer from the court location of the judicial officer's residence to locations within the same judicial district shall be made by the presiding judge of the judicial district or by the presiding judge's designee. In making such assignments, due regard shall be had of the status of accumulated calendars of the courts in the district to the end that judicial officers are assigned to such courts as needed in order to keep the calendars current.

(b) **Temporary Assignments in Other Judicial Districts.**

(1) When the volume of judicial business in the superior or district court in any judicial district warrants the temporary assignment thereto of one or more judicial officers from another judicial district, the presiding judge in the judicial district requiring such temporary assignment shall so advise the administrative director, giving details as to the reasons for the assignment, the length of time and the location of the temporary assignment.

(2) The administrative director shall thereupon determine the availability of judicial officers in other judicial districts and make such assignments as may be necessary.

(c) **Assignment of Appellate Judicial Officers.**

(1) The chief justice may assign an individual justice of the supreme court or a judge of the court of appeals, with the consent of the justice or judge, to serve pro tempore as a judge of the superior court or a district court in any judicial district of the state under the same circumstances as the administrative director may assign a judge under paragraph (b) of this rule.

(2) *Death or Incapacity.*

(A) If the chief justice dies, or is incapacitated, the most senior member of the supreme court becomes acting chief justice.

(B) If all members of the supreme court die or are incapacitated, the chief judge of the court of appeals becomes the acting chief justice and may appoint up to four justices to serve pro tempore to create a functioning supreme court of not more than five members.

(C) If the chief judge of the court of appeals is unable to act as chief justice within the meaning of subpart (B), the next most senior member of the court of appeals becomes the chief justice for purposes of that subpart. If no member of the court of appeals is able to act as chief justice, the most senior presiding judge who is also a superior court judge becomes the acting chief justice for the purposes of subpart (B).

(d) **Assignments of Active Judges for Pro Tempore Appellate Service.** The chief justice, or another justice whom the chief justice designates, may assign an individual justice of the supreme court or an individual judge of the superior or district court to serve pro tempore as a judge of the court of appeals. The chief justice, or another justice whom the chief justice designates, may assign an individual judge of the court of appeals, the superior court or the district court to serve pro tempore as a justice of the supreme court.

(e) **Assignments of Active Judges for Other Pro Tempore Service.** The chief justice, another justice whom the chief justice designates, or the presiding judge upon entry of an order of delegation by the chief justice, may assign an individual judge of the district court to serve pro tempore as a judge of the superior court. When a superior court judge hears a matter that is pending in the district court, that judge sits as a district court judge, and a specific assignment to the district court is not required.

(f) **Scope and Duration of Assignment.**

(1) A temporary assignment of an individual justice or judge under this rule shall be for specific cases or types of cases or proceedings; for general caseloads in a specific geographic location as necessary to ensure completion of a travel calendar; and for general caseloads as necessary to ensure continued judicial service during either the extended absence of a sitting judge or a judicial vacancy.

(2) A temporary assignment may not exceed 180 days in duration absent specific authorization by the chief justice; however a judge who is assigned pro tem on a specific case may continue to preside in that case beyond the expiration of the temporary assignment order.

(3) A single temporary assignment of a judicial officer to another judicial district may not exceed 90 days, unless the judicial officer consents to the additional assignment. Assignments in excess of 90 days or any assignment made

without the consent of the assigned judicial officer may be made only by special order of the chief justice.

(g) **Recommendations.** The administrative director and the presiding judge in each judicial district shall, after consideration of the state of the superior and district court dockets from time to time, submit joint recommendations to the supreme court as to methods of improving the administration of justice in such courts.

(h) **Definitions.** In this rule, "judicial officer" means a superior court judge, district court judge, or magistrate judge.

(Adopted by SCO 412 effective July 1, 1980; amended by SCO 443 effective November 13, 1980; by SCO 891 effective July 15, 1988; by SCO 1153 effective July 15, 1994; by SCO 1231 effective April 12, 1996; by SCO 1463 effective October 15, 2002; by SCO 1499 effective April 15, 2003; and by SCO 1829 effective October 15, 2014)

Rule 25. Traveling Expenses of Judicial Officers and Employees.

Each supreme court justice, court of appeals judge, superior court judge, district court judge and magistrate judge, and each employee of the court system is entitled to receive travel expenses and per diem as provided by law for state employees; provided, that the travel has been approved by the appropriate administrative supervisor of the justice, judge, magistrate judge or employee.

(Adopted by SCO 412 effective July 1, 1980; amended by SCO 443 effective November 13, 1980; by SCO 1223 effective nunc pro tunc to September 1, 1995; and by SCO 1829 effective October 15, 2014)

Rule 26. Power of Court to Provide Proper Facilities for Transaction of Business in Court—Payment of Expenses.

If the state does not provide proper rooms in which to hold the court and for the accommodations of the officers of the court, together with attendants, furniture, fuel, lights, and stationery, suitable and sufficient for the transaction of business, the chief justice may direct the administrative director of courts to provide them. The expenses thereof, certified by the chief justice to be correct, shall be paid out of the state treasury.

(Adopted by SCO 412 effective July 1, 1980)

Rule 26.1. Court Facilities.

Notice to Executive and Legislative Branch Agencies. The supreme court will provide a one-year notice prior to requiring an executive or legislative branch agency to vacate a court facility.

(Added by SCO 596 effective June 19, 1984)

Rule 26.2. Court Security.

(a) Except as otherwise provided by this rule, no person may possess a weapon on the premises of any court facility, or in the portion of any other building occupied by the court system, unless the weapon is to be used as evidence in a court proceeding. The term weapon includes firearms, knives, and chemical agents such as mace and pepper spray. This prohibition does not apply to:

(1) a peace officer;

(2) a private uniformed security guard employed by a financial institution or private security service who is transporting money or other valuables;

(3) a private security guard under contract with the court system to provide security services within a court facility who possesses a weapon authorized under the contract;

(4) a judicial officer;

(5) a person who has written authorization from the administrative director to possess a weapon on court premises. This authorization will be given only upon a showing of good cause and only for a specified period of time;

(6) court system employees, who may possess on the premises of any court facility, or in the portion of any other building occupied by the court system: (a) small knives or multi-tools (like Swiss Army-type or Leatherman-type tools) provided that any knife blade may not exceed 4 inches in length; and (b) small chemical agent canisters for personal safety purposes; or

(7) court system facility construction contractors, who may possess on the premises of court facilities knives and knife-like tools that are necessary for their work.

(b) The exemptions listed in (a)(1)-(3) and (a)(6)-(7) apply only to persons acting within the scope and authority of their employment. A peace officer, private security guard, court system employee, or court system contractor who is participating in or attending a court proceeding outside the scope of his or her employment, whether as a party, witness, victim, or other interested person, is not permitted to bring a weapon onto court premises unless authorized to do so under (a)(5).

(c) A judicial officer must comply with the requirements of this subsection and must notify and receive written authorization from the administrative director prior to bringing any firearm into a court facility.

(1) Before a judicial officer may bring a handgun into the premises of any court facility, or in the portion of any other building occupied by the court system, the judicial officer must provide to the

administrative director a certificate of successful completion of a handgun course as described in AS 18.65.715. A valid Alaska Concealed Handgun Permit issued by the Department of Public Safety will satisfy the requirement of a certificate. The certificate or Alaska Concealed Handgun Permit must be obtained within five years prior to the date of the judicial officer's notification to the administrative director that the officer intends to bring a handgun onto court system premises. The administrative director will issue a letter of approval to the judicial officer unless there is good cause to withhold approval. The administrative director may withdraw approval to possess a handgun on court premises for good cause.

(2) The administrative director may advise the supervisor of the Alaska State Trooper/Judicial Services unit or the chief of the police department that provides court security at each court location of the names of the judicial officers who are approved to possess handguns on court premises. The administrative director will request that this information be kept confidential and disseminated only to those law enforcement personnel who need to know that a judicial officer may be armed.

(3) For each judicial officer who notifies and receives authorization from the administrative director to possess a handgun on court premises, the court system will provide a handgun safe, which shall be permanently secured in the judicial officer's chambers. The judicial officer must keep the handgun and ammunition secure at all times while on court premises: the handgun and ammunition must be secured in the handgun safe or in the judicial officer's locked vehicle at all times when the judicial officer is not carrying the handgun securely on his or her person.

(4) In the event that law enforcement personnel respond to a law enforcement or court security incident on court premises and make contact with an armed judicial officer, the judicial officer shall notify the law enforcement officer as soon as safely practicable that the judicial officer is armed; if requested by the law enforcement officer, the judicial officer shall surrender his or her handgun to the law enforcement officer or comply with other lawful directions given by the law enforcement officer.

(d) Weapons to be used as evidence in court proceedings must be marked and prepared as directed by the administrative director by administrative bulletin. Each presiding judge may prescribe procedures for courts within that judge's district requiring prior notification to designated court personnel before weapons to be used as evidence may be brought onto court premises.

(Adopted by SCO 1321 effective April 14, 1998; amended by SCO 1606 effective October 15, 2006; and by SCO 1801 effective March 15, 2013)

Cross References

CROSS REFERENCE: See Administrative Bulletin No. 9, section IV(C), on exhibit procedure.

Rule 26.5. Chief Judge of the Court of Appeals.

(a) The chief justice shall designate one judge of the court of appeals to be the chief judge of that court. A judge designated chief judge shall hold office as such for a term of two years, or until he or she ceases to be a judge of the court of appeals, whichever is shorter. A chief judge shall be eligible to serve successive terms in that office.

(b) The chief judge, in addition to his or her regular judicial duties, shall perform such other duties as the chief justice and the court of appeals may direct.

(c) If the chief judge is unable to perform his or her duties, the judge of the court who has served as such for the longest time, among those who are available, shall be acting chief judge unless the chief justice orders otherwise.

(Adopted by SCO 446 effective September 1, 1980, nunc pro tunc)

Rule 27. Presiding Judge.

(a) The chief justice shall designate one judge from each judicial district to be presiding judge of that district. A judge designated as presiding judge shall hold office as such for a term of one year and shall be eligible to serve successive terms thereafter.

(b) In addition to regular judicial duties a presiding judge shall, within his or her judicial district:

(1) Supervise the assignment of cases pending to the judges;

(2) Supervise the administrative actions of judges and court personnel;

(3) Expedite and keep current the business of the courts;

(4) Review and recommend budgets; and

(5) Review the operations of all trial courts to assure adherence to statewide court objectives and policies.

(c) A presiding judge may:

(1) Assign judges and magistrate judges to locations within their district of residence as necessary to maintain balanced workloads or to expedite the business of those courts;

(2) Perform any other duties and exercise any other powers as may be provided by law or by these rules.

(Adopted by SCO 412 effective July 1, 1980; amended by SCO 885 effective July 15, 1988; by SCO 1153 effective July 15, 1994; and by SCO 1829 effective October 15, 2014)

Rule 28. Judicial Vacations and Judicial Leave.

(a) **Vacation Leave.** Each supreme court justice, court of appeals judge, and superior court judge shall be entitled to an annual vacation of not more than 30 working days. It shall be taken at such time or times as may be prescribed by the chief justice of the supreme court, the chief judge of the court of appeals, or the presiding judge of the appropriate judicial district.

(1) *Accrual of Leave.* Vacation time not taken in any calendar year may be accumulated. However, subject to the exception in paragraph (a)(2) of this rule, no more than 15 working days' vacation time may be accumulated in any one year, and no judge may carry over more than 30 working days' unused vacation time in the aggregate. Annual vacation time accrues as of January 1st of each year except for the year during which a justice or judge is appointed or retires. During the year of appointment, resignation, or retirement, annual vacation leave accrues at the rate of 2.5 days per month of service. Annual vacation time accrued but not taken at the time of resignation, retirement, or death is forfeited.

(2) *Extraordinary Hardship Exception.* Subject to the written approval of the administrative director, a justice or judge may accumulate up to 30 working days' vacation time in any one year, and may carry over up to 60 working days' unused vacation time in the aggregate, if the justice or judge (A) establishes a case of extraordinary hardship that prevented the justice or judge from taking at least 15 annual vacation days in a particular year, and (B) presents a plan for using the accumulated leave during the upcoming year to the administrative director. The administrative director may approve a case of extraordinary hardship for a particular justice or judge no more often then once every three years.

(b) **Sick Leave**. Each supreme court justice, court of appeals judge, and superior court judge shall be entitled to sick leave with respect to any period of illness necessitating absence from his or her judicial duties, which sick leave shall not be charged against his or her vacation time. Parental leave is counted as sick leave but is limited to 9 weeks absent extenuating medical necessity. Parental leave includes absences because of pregnancy and birth of a child or placement of an adopted child, other than a stepchild. Parental leave expires on the date one year after the birth or placement of the child.

(c) **Leave Without Pay.** Supreme court justices, court of appeals judges, and judges from the superior and district courts may be granted leave without pay to the same extent and upon the same terms as other court system employees. Up to 5 working days in any calendar year may be granted at the discretion of the chief justice, chief judge, or presiding judge of the appropriate court. Leave without pay in excess of 5 days must be approved by the administrative director upon recommendation of the supervising judge or justice.

(d) **District Court Judges and Magistrate Judges.** Each district court judge and magistrate judge shall be entitled to personal leave in accordance with and limited by the provisions of AS 39.20.200-39.20.330 and the personnel rules. Such leave shall be taken at the time or times prescribed by the presiding judge of the judicial district.

(e) **Discretion of Chief Justice, Chief Judge or Presiding Judge.** In determining whether a justice or judge shall take a vacation, and the length thereof, the chief justice of the supreme court, the chief judge of the court of appeals, or the presiding judge exercising authority under this rule shall be mindful of the necessity of retention of sufficient judicial manpower in the court or courts under his or her supervision to permit at all times the prompt and effective disposition of the business of such court or courts. Requests for judicial vacations and judicial leave of one week or more must be submitted for approval at least four months in advance.

(f) **Administrative Leave.** The chief justice of the supreme court may assign one or more justices, judges, or magistrate judges to attend conferences, seminars, or schools to further legal education or professional qualifications. Such assignment shall be made in consultation with the justice, judge, or magistrate judge concerned and with the chief judge of the court of appeals for judges of that court or with the presiding judge of the appropriate judicial district for superior or district court judges and magistrate judges. Travel expenses and per diem may be provided. Administrative leave authorized for such purpose shall not be counted as vacation leave. Nothing in this rule shall prevent a justice, judge, or magistrate judge not so assigned from attending conferences, seminars, or schools for this purpose at his or her own expense during his or her annual vacation. In addition, a justice, judge or magistrate judge not so assigned during a calendar year may receive administrative leave during that year not to exceed five working days to attend conferences, seminars or schools when authorized by the administrative director or the administrative director's designee. The administrative director may authorize such administrative leave in excess of five working days upon a delegation of authority from the chief justice. Administrative leave may not be accrued.

(g) **Leave of Absence.**

(1) As used in this section, unless the context requires otherwise, "judge" means any justice of the supreme court, or judge of the court of appeals, the superior court or district court.

(2) A judge who wishes to take a leave of absence shall submit a written application to the supreme court, which shall include a plan outlining the activities he or she will pursue.

(3) In authorizing leaves of absence, the supreme court shall consider whether the activities outlined in the judge's plan are related to the administration of justice. Appropriate activities include formal educational programs for professional self-improvement and teaching at educational institutions. The supreme court shall also consider the benefit the Alaska Court System will derive from the leave of absence and the length of time the judge has served. A leave of absence may be granted

only if the supreme court is satisfied that the administration of justice in Alaska will not be adversely affected by granting the leave.

(4) Upon approval of the judge's application, the supreme court shall issue an order granting leave of absence without salary for a period of not more than one year. The order shall state the maximum period of time for which the leave is granted.

(5) Application for a leave of absence is considered a waiver of salary by the applicant for the period of time the judge is absent under the leave granted by the court.

(6) Annual vacation leave or personal leave shall not accrue during a leave of absence.

(7) A leave of absence is an interruption in service for retirement and supplemental benefits purposes. No payment into the retirement or supplemental benefits funds shall be made during such leave of absence, and retirement and supplemental benefits shall not accrue.

(8) If a judge chooses to continue to participate in the State of Alaska group health care and basic life insurance plans during an approved leave of absence, the Alaska Court System will continue to pay the same portion of the costs of the following benefits for the judge and his or her dependents as the Alaska Court System would pay if the judge were not on leave of absence: comprehensive medical, dental, vision and optical, audio, basic life insurance, and accidental death and dismemberment insurance.

(9) A leave of absence does not affect the date at which a judge is subject to approval or rejection in a retention election.

(10) At the termination of the leave of absence, unless he or she sooner dies or resigns, a judge shall resume the duties of his or her office and send written notice of the resumption to the supreme court. The resumption and sending notice thereof constitutes a termination of the leave whether or not the maximum period of time granted has expired.

(Adopted by SCO 412 effective July 1, 1980; amended by SCO 443 effective November 13, 1980; by SCO 453 effective November 13, 1980 nunc pro tunc; by SCO 555 effective April 4, 1983; by SCO 625 effective June 15, 1985; by SCO 698 effective April 24, 1986; by SCO 700 effective June 28, 1986; by SCO 1534 effective October 15, 2005; by SCO 1616 effective October 15, 2006; by SCO 1642 effective October 15, 2007; SCO 1829 effective October 15, 2014; by SCO 1954 effective January 8, 2020; and by SCO 1956 effective June 17, 2020)

Rule 29. Trial Court Clerks—Appointment and Duties.

(a) **Appointment.** Clerks of court and deputy clerks of court for the superior and district courts shall be employed and appointed in accordance with the personnel rules.

(b) **Powers and Duties.** A clerk or deputy clerk of court shall perform such duties as are or may be required by the presiding judge, by the rules of the supreme court, and by law. A clerk or deputy clerk of court shall issue all process and notices required to be issued except as otherwise provided by rule or statute and may:

(1) Administer oaths;

(2) Take and certify proofs or acknowledgements of documents, affidavits, or depositions; and

(3) Exercise other powers as may be permitted by law or by the rules of the supreme court.

(Adopted by SCO 412 effective July 1, 1980)

Rule 30. Powers and Duties of Magistrate Judges in Cases Beyond Their Jurisdiction.

(a) A magistrate judge may accept for filing a civil or criminal case beyond a magistrate judge's jurisdiction but within the jurisdiction of a district court judge. Such cases will be tried by a superior or district court judge on periodic visits to the area.

(b) A magistrate judge shall immediately notify the presiding judge in writing as soon as any case beyond magistrate judge jurisdiction becomes at issue. Such notification shall contain a brief description of the case, whether jury or non-jury, and an estimate of the length of time required for trial.

(c) If in the course of any preliminary proceedings connected with a case, or during the trial, or after judgment, a magistrate judge determines that he or she is for any reason unqualified to proceed further, he or she shall, without prejudicing the rights of the parties, postpone the proceedings and proceed under (a) and (b) of this rule as if the case were one beyond his or her jurisdiction.

(Adopted by SCO 412 effective July 1, 1980; amended by SCO 1829 effective October 15, 2014)

Rule 31. Additional Duties of Judicial Officers and Employees.

(a) Judicial officers and employees shall, without additional compensation, perform all functions and render all services for executive departments and agencies of the state, when required by law or prescribed by the administrative director.

(b) A judge or magistrate judge may, with the approval of the presiding judge of the district and the chief justice, serve as a part-time United States Magistrate, when so designated by a United States District Judge for District of Alaska. A judge or magistrate judge may retain any compensation paid to him or her by the United States for such services and shall submit to the administrative director such reports concerning this additional activity as may be required by the administrative

director. When acting in the capacity of a United States Magistrate, the judge or magistrate judge shall be governed in all respects by the United States law and instructions from federal officials or agencies.

(c) Where judicial officers and employees are employed collaterally as provided in this rule, they shall be held accountable by their superiors in the state judicial system for the efficient performance of such collateral duties.

(d) Upon approval of the administrative director, a magistrate judge may accept appointment as a passport agent by the United States Department of State. The execution fee collected by a magistrate judge or other court employee when executing a passport application must be deposited in the court revenue account.

(Adopted by SCO 412 effective July 1, 1980; amended by SCO 422 effective July 1, 1980; by SCO 566 effective May 3, 1983; by SCO 1153 effective July 15, 1994; and by SCO 1829 effective October 15, 2014)

Rule 33. Magistrate Judge Training Judges.

The chief justice shall appoint one or more judges in each judicial district to be a training judge in that district. The training judges shall keep themselves and the presiding judge of their districts regularly informed as to the status of the calendars in the magistrate judge locations in the district assigned to them and shall visit these magistrate judge locations in the district as often as required by the presiding judge or the chief justice for the purpose of providing such training and assistance to the magistrate judges as may be necessary. The training judge shall make such examinations, inspections and reports on the functions performed by the magistrate judges as may be required by the presiding judge or the administrative director.

(Adopted by SCO 412 effective July 1, 1980; amended by SCO 1153 effective July 15, 1994; and by SCO 1829 effective October 15, 2014)

Rule 34. Bonding of All Justices, Judges, Magistrate Judges, and Judicial Employees.

The administrative director shall ensure that the blanket position bond covering all state employees also covers all justices, judges, magistrate judges and all employees of the state judicial system. Such bond shall protect the state as to the honesty and faithful performance of duty of all court system positions covered and shall extend coverage to protect the state from loss by reason of the illegal act of any person not an employee of the state judicial system.

(Adopted by SCO 412 effective July 1, 1980; amended by SCO 1829 effective October 15, 2014)

Rule 35. Electronic Recording Equipment—Official Court Record—Responsibility for Record.

(a) Electronic recording equipment will be installed in all courts for the purpose of recording all official court hearings. Such electronic recordings will constitute the official court record. It will be the responsibility of each judicial officer to require that the electronic recording equipment in court be operated only by a certified operator, or by an individual under the direct supervision of a certified operator during training, in such manner and under such conditions as to ensure the production of a clear and completely understandable record of all proceedings.*

(b) In this rule, the term "certified operator" means a person who has successfully completed a training course in the operation of electronic recording equipment in accordance with standard procedures established by the administrative director of courts.

(c) Before commencing any proceedings required to be recorded, the judicial officer shall be satisfied that the electronic recording equipment is functioning properly. During all proceedings the certified operator shall monitor the electronic recording equipment in accordance with standards established by the administrative director of courts and immediately notify the judicial officer when it is uncertain that the record is clear and completely understandable. Where extraneous noises, interference, poor enunciation or other factors create doubt that the electronic record is clear and completely understandable, it will be the responsibility of the judicial officer to cause the doubtful proceeding to be repeated.

(d) The electronic equipment operator shall be responsible for maintaining detailed, accurate and thoroughly legible log notes which correlate the tape position with described courtroom events. The administrative director of courts shall establish standard procedures for the form, preparation and storage of log notes.

(e) The administrative director of courts shall establish policies, procedures and standards to assure the complete and accurate duplication of the electronic record and shall provide for a uniform safe method of permanent preservation of those original electronic records and log notes which are required to be preserved by the records retention schedule adopted under Administrative Rule 37.

(f) The administrative director may authorize the use of video recording equipment to record any trial where the recordation of such proceedings is feasible. Such video recordings must be accomplished in accordance with procedures established by the administrative director of courts. The video record in conjunction with the electronic audio recording will constitute the official court record.

(Adopted by SCO 412 effective July 1, 1980; amended by SCO 554 effective April 4, 1983; by SCO 587 effective June 1, 1984; and by SCO 601 effective June 1, 1984)

Cross References

CROSS REFERENCE: Administrative Bulletins 19 (Playback of Trial Testimony); 20 (Confidential Tapes); 21 (Tape Numbering Policy); 22 (Log Notes); 23 (Tape Security)

***Editor's Note:** Supreme Court Order 601 effective nunc

pro tunc June 1, 1984, provides that those portions of Administrative Rule 35 which require operation of electronic recording equipment only by a certified operator as defined in paragraph (b) of the rule are suspended until further order of the court. All other portions of the rule, including the responsibility of the judicial officer to require electronic recording equipment operation in such manner and under such conditions as to ensure the production of a clear and completely understandable record of all proceedings, remain in effect.

Rule 36. Transcripts—Fees—Preparation.

(a) The administrative director shall prescribe standards and procedures for the preparation of transcripts for appeal or other official purposes. All transcripts filed with the Alaska Court System shall be prepared according to these standards and procedures. Each transcript prepared under this rule must be certified and shall be certified only by the person who prepared it.

(b) When a transcript is to be prepared by a person other than a court employee, the court shall provide that person with a copy of the electronic recording of the proceedings to be transcribed, a copy of the log notes, and other information necessary for preparation of the transcript. No fee shall be collected by the court from the transcriber or the appellant for providing this material.

(c) A person other than a court employee who prepares a transcript shall be solely responsible under this rule for collection of the transcript fees.

(Adopted by SCO 412 effective July 1, 1980; amended by SCO 1150 effective October 28, 1993)

Cross References

CROSS REFERENCE: Administrative Bulletin 31 (Transcriber Standards and Transcript Form) and Manual of Transcript Preparation (TF-410).

Rule 37. Records Retention.

(a) The administrative director may adopt a schedule for the retention, destruction, and microphotographic reproduction of any records, papers, or documents maintained by the Alaska Court System.

(b) Each presiding judge or area court administrator shall, upon approval by the administrative director, destroy or provide for the destruction of all pleadings, papers, instruments, depositions, and transcripts filed in any action or proceeding in the superior or district court if all of the following conditions exist:

(1) The action or proceeding is no longer pending or on appeal in any court and all appeal periods have elapsed;

(2) The presiding judge or area court administrator has certified that the destruction of the records is permitted by the Records Retention Schedule;

(3) There is maintained for the use of the public a microphotographic film print or copy of each document required by the Records Retention Schedule to be permanently retained together with a mechanical device by which such film may be conveniently examined;

(4) At least one original negative of each microphotographic film is stored in such a manner and place as will reasonably assure its preservation indefinitely against loss, theft, defacement, or destruction;

(5) At the time of the taking of the microphotographic reproduction, the person under whose supervision the same was taken has attached to or incorporated in the microphotographic reproduction a certification that the copy is a correct copy of the original or of a specified part hereof, as the case may be, the date or dates on which it was taken and the fact that it was taken under that person's direction; and

(6) The records have been reviewed under (d) of this rule and have been determined to have no historical or archival value.

(c) The administrative director shall prescribe the microphotographic processes and procedures to be used under (b) of this rule and the methods of destruction of records described in (b)(1) through (6) of this rule.

(d) On or before January 15th of each year each judicial officer shall, regarding the cases that were assigned to that judicial officer and closed during the preceding calendar year, provide the administrative director with a list identifying and designating any original case documents or records contained in those cases which have present or potential historical or archival value. The administrative director shall provide for the microphotographing and safekeeping of all original case documents and records so identified.

(e) A photographic reproduction of any of the records described in this rule, the negative or film of which has been certified by the person in charge of such reproduction as a correct copy of the original, shall be received in evidence in all courts in like manner as the original.

(Adopted by SCO 412 effective July 1, 1980; amended by SCO 586 effective April 4, 1984)

Cross References

CROSS REFERENCE: Administrative Bulletins 25 (Records Retention Schedule); 46 (Micrographics Quality Control Standards)

Rule 37.5. Access to Court Records.

(a) **Scope and Purposes.**

(1) Public access to court records is governed by Administrative Rules 37.5 through 37.8. These rules are adopted pursuant to the inherent authority of the Alaska Supreme Court and provide for access in a manner that:

(A) maximizes accessibility to court records;

(B) supports the role of the judiciary;

(C) promotes government accountability;

(D) contributes to public safety;

(E) minimizes risk of injury to individuals;

(F) protects individual privacy rights and interests;

(G) protects proprietary business information;

(H) minimizes reluctance to use the courts to resolve disputes;

(I) makes most effective use of court personnel;

(J) provides excellent customer service; and

(K) does not unduly burden the ongoing business of the judiciary.

(2) These rules apply to all court records; however, court personnel need not redact or restrict information that otherwise was public in case records and administrative records created before October 15, 2006.

(b) **Who Has Access to Court Records.**

(1) Every member of the public will have the same access to court records under these rules, except as provided in Administrative Rule 37.8(b)(4) and 37.8(c)(2).

(2) The following persons are not members of the public and may have greater access in accordance with their functions within the judicial system:

(A) court personnel for case processing purposes only;

(B) people or entities, private or governmental, who assist the court in providing court services;

(C) public agencies whose access to court records is defined by another statute, rule, order, or policy; and

(D) the parties to a case or their lawyers regarding access to records in their case.

(c) **Definitions.** For purposes of these rules:

(1) "Court record" means both case records and administrative records, but does not include records that may be in the court's possession that do not relate to the conduct of the court's business.

(2) "Case record" means any document, information, data, or other item created, collected, received, or maintained by the court system in connection with a particular case.

(3) "Administrative record" means any document, information, data, or other item created, collected, received, or maintained by the court system pertaining to the administration of the judicial branch of government and not associated with any particular case.

(4) "Confidential" means access to the record is restricted to:

(A) the parties to the case;

(B) counsel of record;

(C) individuals with a written order from the court authorizing access; and

(D) court personnel for case processing purposes only.

(5) "Sealed" means access to the record is restricted to the judge and persons authorized by written order of the court.

(6) "Remote access" means the ability of a person to inspect and copy information in a court record in electronic form through an electronic means.

(7) "In electronic form" means any information in a court record in a form that is readable through an electronic device.

(d) **General Access Rule.**

(1) Court records are accessible to the public, except as provided in paragraph (e) below.

(2) This rule applies to all court records, regardless of the manner of creation, method of collection, form of storage, or the form in which the record is maintained.

(3) If a court record, or portion thereof, is excluded from public access, there must be a publicly accessible indication of the fact of exclusion but not the content of the exclusion. This subparagraph does not apply to case records or administrative records that are confidential pursuant to law.

(e) **Court Records Excluded from Public Access.**

(1) *Case Records*. The following case records and case-related documents are not accessible to the public:

(A) memoranda, notes, or preliminary drafts prepared by or under the direction of any judicial officer of the Alaska Court System that relate to the adjudication, resolution, or disposition of any past, present, or future case, controversy, or legal issue;

(B) legal research and analysis prepared or circulated by judges or law clerks regardless of whether it relates to a particular case and written discussions relating to procedural, administrative, or legal issues that are or may be before the court;

(C) documents, information, data, or other items sealed or confidential pursuant to statute, court rule, case law, or court order; and

(D) documents, information, data, or other items relating to a petition filed by a minor under age 18 to bypass parental notice or consent to an abortion under AS 18.16.030 or an appeal of an order denying or dismissing a petition, all of which remain sealed.

(2) *Administrative Records*. The following administrative records are not accessible to the public:

(A) personal information, performance evaluations, and disciplinary matters relating to any past or present employee of the Alaska Court System or any other person who has applied for employment with the Alaska Court System, and personnel records that are confidential under Alaska Court System Personnel Rules C1.07 and PX1.08;

(B) the work product of any attorney or law clerk employed by or representing the Alaska Court System if the work product is produced in the regular course of business or representation of the Alaska Court System;

(C) individual direct work access telephone numbers and email addresses of judges and law clerks;

(D) documents or information that could compromise the safety of judges, court staff, jurors, or the public, or jeopardize the integrity of the court's facilities or the court's information technology or recordkeeping systems;

(E) records or information collected and notes, drafts, and work product generated during the process of developing policy relating to the court's administration of justice and its operations;

(F) email messages that are created primarily for the informal communication of information and that do not set policy, establish guidelines or procedures, memorialize transactions, or establish receipts; and

(G) records that are confidential, privileged, or otherwise protected by law, rule, or order from disclosure.

(f) **Obtaining Access to Public Court Records.** Court records that are accessible to the public shall be open to inspection at all times during the regular office hours of the courts. The administrative director shall establish written guidelines to ensure that all members of the public upon request will be given reasonable access and opportunity to inspect such public records and to ensure the preservation and safekeeping of such public records for such period of time as they may be kept by the Alaska Court System.

(Adopted by SCO 503 effective February 1, 1982; amended by SCO 943 effective January 15, 1989; by SCO 1016 effective January 15, 1990; rescinded and readopted by SCO 1622 effective October 15, 2006; amended by SCO 1740 effective nunc pro tunc to September 7, 2010; and by SCO 1893 effective August 10, 2016)

Note: Chapter 64, SLA 2010 (SB 60), effective September 7, 2010, enacted changes relating to the Uniform Probate Code. According to section 12(e) of the Act, AS 13.12.585, as enacted by section 8 of the Act, has the effect of amending Administrative Rule 37.5 by requiring that certain information contained in court records relating to a petition under AS 13.12.530 or 13.12.535, enacted by section 8 of the Act, be kept confidential and only released as indicated in AS 13.12.585.

Cross References

CROSS REFERENCE: Administrative Bulletin 12 (Guidelines for Inspecting and Obtaining Copies of Public Records)

Rule 37.6. Prohibiting Access to Public Case Records.

(a) **Limiting Access.** Notwithstanding any other rule to the contrary, the court may, by order, limit access to public information in an individual case record by sealing or making confidential the case file, individual documents in the case file, log notes, the audio recording of proceedings in the case, the transcript of proceedings, or portions thereof. A request to limit access may be made by any person affected by the release of the information or on the court's own motion.

(b) **Standard.** The court may limit public access as described above if the court finds that the public interest in disclosure is outweighed by a legitimate interest in confidentiality, including but not limited to

(1) risk of injury to individuals;

(2) individual privacy rights and interests;

(3) proprietary business information;

(4) the deliberative process; or

(5) public safety.

(c) **Least Restrictive Alternative.** In limiting public access the court must use the least restrictive means that will achieve the purposes of these public access rules and the reasonable needs as set out as the basis for the request, without unduly burdening the court.

(d) **Procedure.** Any request to limit access must be made in writing to the court and served on all parties to the case unless otherwise ordered. A request to limit access, the response to such a request, and the order ruling on such a request must be written in a manner that does not disclose non-public information, are public records, and shall not themselves be sealed or made confidential.

(Adopted by SCO 1622 effective October 15, 2006)

Note: Administrative Rule 40 requires the clerk of court to list a case on the public case index even though the case file has been sealed or made confidential under this rule. Only the presiding judge of the judicial district has the power to remove a party's name from the public case index, and this action may be taken only in very limited circumstances. See Administrative Rule 40(b) and (c).

The terms "confidential" and "sealed" are defined in Administrative Rule 37.5(c).

Rule 37.7. Obtaining Access to Non-Public Court Records.

(a) **Allowing Access to Non-Public Records.** The court may, by order, allow access to non-public information in a case or administrative record if the court finds that the requestor's interest in disclosure outweighs the potential harm to the person or interests being protected, including but not limited to:

(1) risk of injury to individuals;

(2) individual privacy rights and interests;

(3) proprietary business information;

(4) the deliberative process; or

(5) public safety.

Non-public information includes information designated as confidential or sealed by statute or court rule and public information to which access has been limited under Administrative Rule 37.6. A request to allow access may be made by any person or on the court's own motion as provided in paragraph (b).

(b) **Procedure.** Any request to allow access must be made in writing to the court and served on all parties to the case unless otherwise ordered. The court shall also require service on other individuals or entities that could be affected by disclosure of the information. A request to allow access, the response to such a request, and the order ruling on such a request must be written in a manner that does not disclose non-public information, are public records, and shall not themselves be sealed or made confidential.

(Adopted by SCO 1622 effective October 15, 2006)

Note: This rule does not apply to bulk or compiled data. Access to bulk and compiled data is governed by Administrative Rule 37.8(b)-(d).

Rule 37.8. Electronic Case Information.

(a) **Availability.** The following case-related information maintained in the court system's electronic case management systems will not be published on the court system's website or otherwise made available to the public in electronic form:

(1) addresses, phone numbers, and other contact information for parties, witnesses, and third-party custodians;

(2) names, initials, addresses, phone numbers, and other contact and identifying information for victims in criminal cases;

(3) social security numbers;

(4) driver and vehicle license numbers;

(5) account numbers of specific assets, liabilities, accounts, credit cards, and PINs (Personal Identification Numbers);

(6) names, addresses, phone numbers, and other contact information for minor children in domestic relations cases, paternity actions, domestic violence cases, emancipation cases, and minor settlements under Civil Rule 90.2;

(7) juror information;

(8) party names protected under Administrative Rule 40(b) and (c);

(9) information that is confidential or sealed in its written form; and

(10) attorney and other e-mail addresses used by the court to distribute court orders, notices, judgments, and other documents.

(b) **Bulk Distribution of Electronic Case Information.**

(1) Bulk distribution is defined as the distribution of all or a significant subset of the case information in the court system's electronic case management systems, as is, and without modification or compilation.

(2) Bulk distribution of case information is permitted, unless the information is not publicly available in electronic form under subsection (a) of this rule.

(3) Bulk distribution of imaged case records is not allowed, unless the records are already remotely accessible to the public on the court system's website.

(4) The administrative director may allow bulk distribution of case information that is not publicly available and of publicly available imaged case records for scholarly or governmental purposes. The administrative director shall adopt procedures to protect the security of information and records released under this paragraph.

(c) **Distribution of Compiled Information.**

(1) Compiled information is defined as information that is derived from the selection, aggregation, or reformulation of case information in the court system's electronic case management systems.

(2) Information routinely compiled by the court may be made available unless the compiled information is privileged or reveals information that is confidential, sealed, or not available to the public under subsection (a) of this rule. A request from a person outside the court system for other compiled information must be approved by the administrative director. The request may be granted if resources are available to compile the information and if it is an appropriate use of public resources, such as for scholarly, governmental, or any other purpose in the public interest.

(d) **Fees.** The administrative director may establish fees for distribution of information under subsections (b) and (c) of this rule.

(Adopted by SCO 1622 effective October 15, 2006; amended by SCO 1633 effective May 15, 2007; SCO 1757 effective October 14, 2011; and by SCO 1862 effective January 1, 2016)

Note to Administrative Rule 37.8(a)(7): Juror information is also protected by Administrative Rule 15(j).

Rule 38. Reports to Bureau of Vital Statistics—Superior Courts.

(a) **Divorce—Annulment—Adoption.** Before judgment or decree is entered in any action for divorce or annulment or proceeding for adoption, the court shall require the parties or their counsel to submit such personal particulars and other information necessary to enable the clerk to prepare a record of such divorce, annulment or adoption in accordance with law and the regulations and instructions of the Bureau of Vital Statistics. Every such record shall be prepared by the clerk and filed in the manner and within the time prescribed by law and the regulations and instructions of the Bureau of Vital Statistics.

(b) **Change of Name—Delayed Birth Certificate—Legitimation.** In the following actions and proceedings, the court shall file with the Bureau of Vital Statistics such reports, information and copies of judgments and orders as may be required and in the manner provided by law and the regulations and instructions of the Bureau:

(1) A proceeding for change of name;

(2) A proceeding to establish a public record of the time and place of birth and parentage;

(3) An action or proceeding for legitimation.

Before entering any order or judgment in any of the above mentioned actions or proceedings, the court shall require the parties or their counsel to submit such information as may be necessary to enable the court to comply with this rule.

(Adopted by SCO 412 effective July 1, 1980)

Rule 39. Vital Statistics.

The presiding judge shall designate district court judges, magistrate judges, or judicial employees to perform all of the functions and duties with respect to the preparation, filing and recording of vital statistics, and the maintaining of records incident thereto, as provided by law and in accordance with the regulations and instructions of the Bureau of Vital Statistics.

(Adopted by SCO 412 effective July 1, 1980; amended by SCO 1829 effective October 15, 2014)

Rule 40. Index to Cases.

(a) The court system shall maintain an index by last name of every party named in every case filed, regardless of whether a party's true name is protected in the public index under paragraphs (b) or (c) of this rule. The index must show the party's name, the case number, the case caption or title, the filing date, the case type, and other information required for that case type by court rule. The index may show the party's date of birth. The court system shall publish a public version of the index, which excludes only

(1) cases designated as confidential or sealed by statute or court rule, unless the index to those cases is public under court rules;

(2) foreign domestic violence protective orders filed under AS 18.66.140;

(3) criminal cases dismissed because the prosecuting authority declined to file a charging document;

(4) criminal cases dismissed for lack of probable cause under Criminal Rule 4(a)(1) or Criminal Rule 5(d);

(5) criminal cases dismissed for an identity error under Criminal Rule 43(d);

(6) criminal cases dismissed because the named defendant is a minor wrongly charged in adult court with an offense within the jurisdiction for delinquency proceedings under AS 47.12.020;

(7) minor offense cases dismissed because the prosecuting authority declined to file a charging document;

(8) minor offense cases dismissed for an identity error under Minor Offense Rule 11(c);

(9) domestic violence protective order cases that are

(A) dismissed without an ex parte order when a petition is filed under AS 18.66.110, or

(B) dismissed at or before the initial hearing when a petition is filed under AS 18.66.100, the petitioner did not request an ex parte order under AS 18.66.110, and the court did not hold an ex parte hearing,

if the case is dismissed because there is not sufficient evidence that the petitioner is a victim of domestic violence as defined by AS 18.66.990(3) or there is not sufficient evidence that the petitioner is a household member as defined by AS 18.66.990(5);

(10) stalking or sexual assault protective order cases that are

(A) dismissed without an ex parte order when a petition is filed under AS 18.65.855, or

(B) dismissed at or before the initial hearing when a petition is filed under AS 18.65.850, the petitioner did not request an ex parte order under AS 18.65.855, and the court did not hold an ex parte hearing,

if the case is dismissed because there is not sufficient evidence that the petitioner is a victim of stalking as defined by AS 11.41.270 or sexual assault as defined in AS 18.66.990(9);

(11) party names protected under paragraphs (b) or (c) of this rule; and

(12) cases, party names, or other case information that is required to be excluded or removed from the public index by statute.

The court system shall continue to list a case on the public index even though the case file has been sealed or made confidential under Administrative Rule 37.6, unless the party names were protected under paragraphs (b) or (c) of this rule. The public index will be available to the public in electronic form except as limited by Administrative Rule 37.8.

(b) The presiding judge of a judicial district may direct the clerk of the court to substitute "Not Published" for a party's true name on the public index if the presiding judge finds that the issues in the case involve matters of a sensitive and highly personal nature, that publication of the name could expose a person to harassment, injury, ridicule, or personal embarrassment, and that protection of the party's name outweighs the public's interest in disclosure and any prejudice to the opposing party. If the presiding judge determines that the true name of more than one party in a case should be protected under this subsection, the parties shall be distinguished by number ("Not Published 1, Not Published 2"). While a request to protect the name is pending before the presiding judge, subsection (d) applies.

(c) The presiding judge of a judicial district may direct the clerk of court to remove a party's name from the public index for a period of five years if the presiding judge finds that publication of the name is likely to result in substantial physical harm to the party or members of the party's household and protection of the party's name outweighs the public's interest in disclosure. After five years, the party's name will appear on the public index unless the presiding judge orders the name protected for an additional period of time, upon another showing that publication of the name is likely to result in substantial physical harm to the party or members of the party's household. While a request to protect the name is pending before the presiding judge, subsection (d) applies.

(d) Unless otherwise ordered, while a request under subsection (b) or (c) is pending,

(1) the party's name will not be added to the public index if the request is made with or in the filing that initiates the case; and

(2) the party's name will remain on the public index if the request is made in an existing case.

(e) In addition to the cases that are excluded from the public index under subsection (a) of this rule, a judicial officer may order that specific cases be removed from the public index for a temporary time period if the judicial officer finds that maintaining the cases on the public index would detrimentally affect a criminal defendant's right to a fair and impartial jury. The temporary time period runs from one week prior to scheduled jury selection until the jury is discharged, the declaration of a mistrial, the dismissal of the case, or the entry of a guilty or nolo contendere plea.

(Adopted by SCO 1622 effective October 15, 2006; amended by SCO 1633 effective May 15, 2007; by SCO 1822 effective August 1, 2014; by SCO 1844 effective October 29, 2014; by SCO 1899 effective January 1, 2017 by SCO 1937 effective November 1, 2018; and by SCO 1948 effective October 15, 2019)

Editor's Note: Former Rule 40, Title, was renumbered as current Rule 51, by SCO 1622, effective October 15, 2006.

Note to SCO 1822—adding new paragraphs (a)(3) to (a)(9): This rule change applies to cases that were dismissed or closed prior to its effective date.

Note to SCO 1937—amending paragraphs (a)(9) and (a)(10): This rule change applies to cases that were dismissed or closed prior to its effective date.

Rule 41. Case Numbering.

The administrative director shall designate the procedure to be followed by all district and superior courts in numbering cases. All case numbers shall include a prefix indicating the location of the court where the case is filed. The prefixes for the courts are as follows:

COURT LOCATION CODES

First District	
Angoon	1AG
Craig (closed)	1CR
Haines	1HA
Hoonah	1HN
Juneau	1JU
Kake (closed)	1KA
Ketchikan	1KE
Pelican	1PL
Petersburg	1PE
Prince of Wales (at Klawock)	1PW
Sitka	1SI
Skagway	1SK
Wrangell	1WR
Yakutat	1YA
Second District	
Buckland (closed)	2BU
Gambell	2GB
Kiana	2KI
Kotzebue	2KB
Nome	2NO
Noorvik	2NR
Point Hope	2PH
Savoonga	2SA
Selawik	2SE
Shungnak	2SH
Unalakleet	2UT
Utqiagvik (formerly Barrow)	2BA
Wales (closed)	2WL
Third District	
Anchorage	3AN
Cold Bay	3CB
Cordova	3CO
Dillingham	3DI
Glennallen	3GL
Homer	3HO
Kenai	3KN
Kodiak	3KO

Naknek	3NA
Palmer	3PA
St. Paul Island	3ST
Sand Point	3SP
Seldovia (closed)	3SL
Seward	3SW
Togiak	3TG
Unalaska	3UN
Valdez	3VA
Whittier	3WH

Fourth District

Aniak	4AK
Bethel	4BE
Chevak (closed)	4CH
Delta Junction	4DJ
Emmonak	4EM
Fairbanks	4FA
Fort Yukon	4FY
Galena	4GA
Healy (closed)	4HE
Hooper Bay	4HB
Kasigluk (closed)	4KS
McGrath (closed)	4MC
Mekoryuk (closed)	4ME
Mt. Village (closed)	4MV
Nenana	4NE
Quinhagak (closed)	4QU
Rampart (closed)	4RA
Scammon Bay (closed)	4SB
St. Mary's	4SM
Tanana (closed)	4TA
Tok	4TO
Tununak (closed)	4TU

(Adopted by SCO 478 effective August 17, 1981; amended by SCO 541 effective October 1, 1982; by SCO 564 effective April 4, 1983; by SCO 565 effective May 3, 1983; by SCO 617 effective May 15, 1985; by SCO 672 effective June 15, 1986; by SCO 1034 effective June 14, 1990; by SCO 1035 effective nunc pro tunc February 1, 1991; by SCO 1132 effective July 15, 1993; by SCO 1493 effective September 26, 2002; by SCO 1780 effective March 1, 2012; by SCO 1835 effective June 25, 2014; by SCO 1839 effective July 15, 2014; by SCO 1870(1) effective January 1, 2016; SCO 1870(2) effective May 15, 2016; SCO 1916 effective January 1, 2018; and by SCO 1933 effective October 15, 2018)

Cross References

CROSS REFERENCE: Administrative Bulletins No. 7 and 7.1 (Case Numbering)

Rule 42. Docketing. (Reserved).

Note: Former Rule 42 was deleted and the rule was reserved by SCO 1481, effective October 15, 2002.

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. The agency charged with enforcement under a statute 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) **Procedures for Amending Bail Forfeiture Schedules.**

(1) By July 1 of each year, each agency charged with enforcement under a statute 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.

(Adopted by SCO 651 effective July 1, 1985; amended by SCO 1180 effective July 15, 1995)

Rule 43.1. Traffic Bail Forfeiture Schedule.

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 convicted, the penalty imposed for the offense may not exceed the bail amount for that offense listed below.

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 28.90.990 and 13 AAC 40.010(b). Effective May 27, 2006, the bail amounts listed below are doubled for

violations of AS 28 and regulations adopted under AS 28 committed within a traffic safety corridor, as that term is defined in AS 28.90.990.

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.

The maximum bail amount for any of the offenses listed below in which the bail is stated as an amount per mile, per foot, per lamp, per reflector, per tire, or per wheel is the maximum fine allowed by statute for the offense. These maximum amounts 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 28.90.990 and 13 AAC 40.010(b), or committed within a traffic safety corridor, as that term is defined in AS 28.90.990.

Statute or Regulation	Description of Offense	Bail
AS 11.46.462	Unlawful possession of an official traffic control device	$ 200
AS 19.10.300(a)	Commercial vehicle (intrastate): failure to maintain minimum insurance	500
AS 28.05.095(a)	Failure to wear safety belt (age 16 and older: passenger or driver)	15
AS 28.05.095(b)	Failure to provide child safety device. (Note: First charge may be dismissed by court upon proof of correction, but second or subsequent charge is not dismissible)	50
AS 28.05.095(b)	Failure to properly secure child in child safety device	50
AS 28.05.095(d)	Illegal removal of vehicle seatbelt	15
AS 28.10.451	Failure to register vehicle	90
AS 28.10.461	Plates/decals/permits must be properly attached and displayed	75
AS 28.10.461	Failure to carry certificate of registration in vehicle	40
AS 28.10.471	Operating vehicle w/expired registration	90
AS 28.10.471	Operating a vehicle w/suspended/revoked registration	300
AS 28.15.011(b)	Driving with license expired less than one year	75
AS 28.15.021(2)	Driving with out-of-state license after 90 days in state	75
AS 28.15.021(6)	Driving a motor-driven cycle with out-of-state driver's license after 90 days in state	75
AS 28.15.057(b)	Operating a vehicle in violation of a provisional license	200
AS 28.15.131	License to be carried and exhibited on demand	Corr/50
AS 28.15.281(a)	Unlawful use of a driver's license	200
AS 28.22.019	Proof of insurance to be carried and exhibited on demand	Corr/500
AS 28.35.029	Open container of alcoholic beverage in motor vehicle	200
AS 28.35.031(e)	Refusal to submit to a preliminary breath test	100
AS 28.35.135(b)	Failure to notify dept. of change of name/address	25
AS 28.35.140(a)	Obstructing or blocking traffic	75
AS 28.35.140(b)	Turn off required when 5 or more vehicles are behind	100
AS 28.35.145(e)	Ownership of a vehicle which illegally passes a school bus	75
AS 28.35.155	Operating vehicle w/studded/chained tires when prohibited	Corr/50
AS 28.35.161(f)(1)	Electronic devices while driving	500
AS 28.35.180	Disobedience to signal of officer regulating traffic	75
AS 28.35.185(b)(2)	Overtaking and passing a parked emergency vehicle – if no personal injury	150
AS 28.35.191	Failure to use headlights	50
AS 28.35.235	Unauthorized use of parking reserved for persons with disabilities	
	-First offense	125
	-Second or more offense	250
AS 28.35.235	Unauthorized use of parking reserved for persons with disabilities while displaying special license plate or permit	
	-First offense	250
	-Second or more offense	500
AS 28.35.251	Contained or confined	300

Statute or Regulation	Description of Offense	Bail
	loads	
AS 28.35.253	Anti-spray devices required	Corr/60
AS 28.35.261	Low-speed vehicle on highway with limit above 35 mph	100
AS 28.39.010	Operating an unregistered snowmobile	50
AS 28.39.040(e)	Failure to display snowmobile numbered registration decal	50
AS 28.39.040(f)	Failure to carry snowmobile certificate of registration or provide identifying information	50
02 AAC 90.030	School bus driver permit must be carried and displayed upon demand	Corr/50
02 AAC 90.200	Unlawful use of classified license	50
13 AAC 02.005(a)	Disobedience to traffic control devices	100
13 AAC 02.010(a)(1)(A)-(B)	FTY to vehicle in intersection after green signal	150
13 AAC 02.010(a)(1)(A)-(B)	FTY to pedestrian in crosswalk after green signal	150
13 AAC 02.010(a)(3)(A)	Failure to stop for steady red traffic signal	150
13 AAC 02.010(a)(3)(B)	FTY when turning on red signal	150
13 AAC 02.010(a)(3)(B)	Turning on red signal when prohibited	75
13 AAC 02.010(a)(3)(C)	Failure to stop for steady red arrow	150
13 AAC 02.010(b)	Position of vehicle stopping at intersection	75
13 AAC 02.015	Failure to obey pedestrian control signal	40
13 AAC 02.020(a)(1)	Failure to yield after stopping for flashing red signal	150
13 AAC 02.020(a)(1)	Failure to stop for flashing red signal	150
13 AAC 02.025	Lane use control signals	75
13 AAC 02.030(a)	Display of unauthorized signs, signals, or markings	50
13 AAC 02.050(a)	Failure to drive on right side of roadway	75
13 AAC 02.050 (a)(3)	FTY when driving left of obstructed roadway	150
13 AAC 02.050(b)	Vehicle not to use left lane at less than speed limit	75
13 AAC 02.055(a)&(c)	Improper overtaking on right	75
13 AAC 02.055(b)	Return to lane only when clear	100
13 AAC 02.060(a)	Limitations on driving left of center	100
13 AAC 02.065(a)	Improper overtaking on the left	150
13 AAC 02.065(a)	FTY to overtaking vehicle	150
13 AAC 02.065(b)	FTY to oncoming traffic when passing	150
13 AAC 02.070	FTY 1/2 of roadway to oncoming vehicle and failure to pass on right of oncoming vehicle	100
13 AAC 02.075(b)	Passing/driving left of center in no pass zone	150
13 AAC 02.080(b)-(c)	Wrong way on one-way roadway	100
13 AAC 02.085(a)	Improper lane change	75
13 AAC 02.085(b)	Improper use of center lane of 3-lane roadway	75
13 AAC 02.090(a)-(c)	Following too closely	100
13 AAC 02.095(a)	Driving over, across or within barrier/median	100
13 AAC 02.095(a)	Failure to stay on right side of divided highway	100
13 AAC 02.095(c)	Improper entry/exit — controlled-access highway	75
13 AAC 02.107	Drive nearest right edge on narrow/winding roadway	75
13 AAC 02.120(a)	FTY to vehicle on right at unsigned intersection	90
13 AAC 02.120(b)	FTY to vehicle entering intersection after stop	150
13 AAC 02.120(d)	Failure to yield when entering roundabout	150
13 AAC 02.120(f)	Improper lane change in or exiting from a roundabout	75
13 AAC 02.125	FTY when turning left	150
13 AAC 02.130(b)	Improper position of vehicle stopping at stop sign	75
13 AAC 02.130(b)-(c)	FTY after stopping or at yield sign	150
13 AAC 02.130(b)	Failure to stop for stop sign	100
13 AAC 02.135(b)	FTY when entering roadway from non-roadway	100
13 AAC 02.140(a)-(b)	FTY to authorized emergency vehicle	250
13 AAC 02.140(c)	Driver of emergency vehicle not to disregard safety	100
13 AAC 02.150(a)-(b)	Pedestrians subject to traffic regulations	40
13 AAC 02.150(c)	Pedestrian in traffic roundabout outside a crosswalk	40
13 AAC 02.155(a)	FTY to pedestrian in crosswalk	100
13 AAC 02.155(b)	Pedestrian to exercise due caution	50
13 AAC 02.155(c)	Vehicle not to pass vehicle stopped for pedestrian	75
13 AAC 02.155(e)	Not to drive within or through pedestrian safety zone	50
13 AAC 02.160(a)-(f)	Pedestrian crossing at other than crosswalks	25
13 AAC 02.175(a)-(e)	Pedestrian to use sidewalk/left edge of roadway and not interfere, sleep, loiter or obstruct	40
13 AAC 02.180	Pedestrian not to distract drivers when soliciting rides and pedestrian not to	50

Statute or Regulation	Description of Offense	Bail
	solicit employment, business or contributions from vehicle occupants	
13 AAC 02.190(a)	FTY to pedestrian w/white cane/guide dog	150
13 AAC 02.190(b)	Not to use white cane/guide dog unless blind	150
13 AAC 02.195(a)	Pedestrian FTY to authorized emergency vehicle	50
13 AAC 02.200(a)-(c)	Improper position/method turning at intersection	75
13 AAC 02.205(a)-(b)	U-turn only when safe/not on hill, crest or curve	75
13 AAC 02.210	Improper start from parked/stopped standing	75
13 AAC 02.215(a)-(f)	Signals required turn/stop/slowing-discontinue after	75
13 AAC 02.240(a)-(b)	Obedience to train signals and barriers	100
13 AAC 02.250(a)	Certain vehicles to stop at all railroad crossings	200
13 AAC 02.255(a)-(b)	Heavy equipment to give notice of railroad crossing	75
13 AAC 02.255(a)-(c)	Heavy equipment to stop at railroad crossing	200
13 AAC 02.257	Give warning w/horn when vision restricted/alley/driveway/buildings	50
13 AAC 02.257	Stop: emerging from alley/driveway/building	100
13 AAC 02.257	Position of stop when emerging from alley/driveway/building	75
13 AAC 02.265	Stop when traffic may be obstructed	75
13 AAC 02.275(a)	Basic speed: reasonable & prudent for road conditions	90
13 AAC 02.275(b)	Speeding:	
	-3-19 mph over posted limit	8/mi.[1]
	-20 mph or more over limit	12/mi.[1]
13 AAC 02.280(a)-(d)	Altered speed limits:	
	-3-19 mph over posted limit	8/mi.[1]
	-20 mph or more over limit	12/mi.[1]
13 AAC 02.295	Minimum speed regulation	60
13 AAC 02.325(a)	Speed limitation on motor-driven cycles at night	60
13 AAC 02.325(b)	Towing mobile home at speed over 45 mph	75
13 AAC 02.325(c)	Driving with lighted headlights at unreasonable speed	75
13 AAC 02.325(d)	Speed: over 20 mph in marked crosswalk speed zone of public school or playground	
	-3-9 mph over	12/mi.[1]
	-10-19 mph over	14/mi.[1]
	-20 mph or over	16/mi.[1]
13 AAC 02.325(e)	Passing school bus with flashing yellow lights at speed over 20 mph	75
13 AAC 02.325(f)	Speed, weight or size in excess of posted traffic control device when crossing over bridge or through tunnel	75
13 AAC 02.330	Racing on the highway	300
13 AAC 02.340(a)-(d) (except (d)(1)(L))	Stopping/standing/ parking on highway/other location	25
13 AAC 02.365(a)-(g)	Additional parking regulations	25
13 AAC 02.367(d)	Not to stop/stand/park in loading zone	25
13 AAC 02.372(b)	Position of bus stopping to load/unload passengers	25
13 AAC 02.372(c)	Taxi cab restrictions on standing/parking	50
13 AAC 02.372(d)	Stop/stand in bus stop/taxi stand	25
13 AAC 02.377(c)-(f)	Parking meter violations	15
13 AAC 02.395(b)-(e)	Special bicycle violations	40
13 AAC 02.400(a)-(h)	Riding bicycles on roadways/bike paths	40
13 AAC 02.420(a)-(c)	Parking of bicycles	20
13 AAC 02.425(a)-(c)	Special motorcycle violations	60
13 AAC 02.425(d)	Motorcycle cling to other vehicle	200
13 AAC 02.427(a)	Motor vehicle not to deprive motorcycle of full lane use	50
13 AAC 02.427(a)	Motorcycles more than two abreast	50
13 AAC 02.427(b)	Motorcycle passing in same lane as other motor vehicle	50
13 AAC 02.445	Snowmobile and other off-highway vehicle violations	75
13 AAC 02.455(a), (f)	Snowmobile and other off-highway vehicle operation on highways and other locations	50
13 AAC 02.455(g)	Snowmobile or other off-highway vehicle traveling on pedestrian pathway	100
13 AAC 02.480	Requirements for unattended motor vehicle	50
13 AAC 02.482(a)	Bicycles/pedestrians traveling in prohibited area	50
13 AAC 02.482(a)	Driving a motor vehicle where prohibited	150

Statute or Regulation	Description of Offense	Bail
13 AAC 02.482(b)	Non-motorized vehicle to yield to traffic on roadway	40
13 AAC 02.485(a)-(b)	Limitation on backing	75
13 AAC 02.487	Driving vehicle on sidewalk	150
13 AAC 02.495(a)-(c)	Obstructing driver's view/control of vehicle	75
13 AAC 02.495(d)	Opening doors/entering or leaving when vehicle in motion	25
13 AAC 02.495(e)-(f)	Person riding outside vehicle or in trailer	100
13 AAC 02.497(a)	Interfering w/funeral procession	75
13 AAC 02.497(b)	Requirements for drivers in funeral procession	60
13 AAC 02.497(c)	Permit requirements for funeral procession/parade	40
13 AAC 02.505(a)-(c)	Animals on the highway	200
13 AAC 02.505(d)-(e)	Motor vehicle drivers to exercise due care re animals	125
13 AAC 02.515	Coasting prohibited	50
13 AAC 02.517 (a)-(g)	Emergency vehicle regulations	60
13 AAC 02.520(a)	Following emergency vehicle closer than 500 feet	100
13 AAC 02.520(b)	Improper stopping/parking at emergency scene	100
13 AAC 02.520(c)	Crossing fire hose	100
13 AAC 02.530(a)-(b)	Littering/depositing material on highway	
	-Depositing garbage, glass, nails, tacks, wire, cans, oil or other substance	150
	-Littering from a motor vehicle – over 5 pounds (see AS 46.06.080 for 5 pounds or less)	100
13 AAC 02.530(d)	Haul/drag material causing damage to highway	150
13 AAC 02.532	Railroad trains not to block roadways	50
13 AAC 02.545(a)	Drinking while driving	300
13 AAC 02.545(b)	Drivers to exercise due care to avoid collision	150
13 AAC 03.005(a)	Commercial vehicle : Disobedience to traffic control devices	150
13 AAC 03.010(a)(1) (A)-(B)	Commercial vehicle: FTY to vehicle in intersection after green signal	150
13 AAC 03.010(a)(1) (A)-(B)	Commercial vehicle: FTY to pedestrian in crosswalk after green signal	150
13 AAC 03.010(a)(3)(A)	Commercial vehicle: Failure to stop for steady red traffic signal	200
13 AAC 03.010(a)(3)(B)	Commercial vehicle: FTY when turning on red signal	150
13 AAC 03.010(a)(3)(B)	Commercial vehicle: Turning on red signal when prohibited	150
13 AAC 03.010(a)(3)(C)	Commercial vehicle: Failure to stop for steady red arrow	200
13 AAC 03.050(a)	Commercial vehicle: Failure to drive on right side of roadway	150
13 AAC 03.050 (a)(3)	Commercial vehicle: FTY when driving left of obstructed roadway	200
13 AAC 03.050(b)	Commercial vehicle: Not to use left lane at less than speed limit	100
13 AAC 03.050(b)	Commercial vehicle: Turn off required when 5 or more vehicles are behind	150
13 AAC 03.055(a)	Commercial vehicle: Improper overtaking on right	100
13 AAC 03.055(b)	Commercial vehicle: Return to lane only when clear	200
13 AAC 03.055(c)	Commercial vehicle: Passing on right in a roundabout	100
13 AAC 03.060(a)	Commercial vehicle: Limitations on driving left of center	150
13 AAC 03.065(a)	Commercial vehicle: Improper overtaking on the left	200
13 AAC 03.065(a)	Commercial vehicle: FTY to overtaking vehicle	200
13 AAC 03.065(b)	Commercial vehicle: FTY to oncoming traffic when passing	200
13 AAC 03.070	Commercial vehicle: FTY 1/2 of roadway to oncoming vehicle and failure to pass on right of oncoming vehicle	200
13 AAC 03.080(b)-(c)	Commercial vehicle: Wrong way on one-way roadway	150
13 AAC 03.085(b)	Commercial vehicle: Improper use of center lane of 3-lane roadway	100
13 AAC 03.095(a)	Commercial vehicle: Driving over, across or within barrier/median	200
13 AAC 03.095(a)	Commercial vehicle: Failure to stay on right side of divided highway	200
13 AAC 03.095(c)	Commercial vehicle: Improper entry/exit-controlled-access highway	150
13 AAC 03.107	Commercial vehicle: Drive nearest right edge on narrow/winding roadway	150
13 AAC 03.155(a)	Commercial vehicle: FTY to pedestrian in crosswalk	150

Statute or Regulation	Description of Offense	Bail
13 AAC 03.155(b)	Pedestrian to exercise due caution	50
13 AAC 03.155(c)	Commercial vehicle: Not to pass vehicle stopped for pedestrian	150
13 AAC 03.155(e)	Commercial vehicle: Not to drive within or through pedestrian safety zone	90
13 AAC 03.275(a)	Commercial vehicle basic speed: reasonable & prudent for road conditions	200
13 AAC 03.275(b)	Commercial vehicle speeding:	
	-3-9 mph over posted limit	12/mi.[1]
	-10-14 mph over posted limit	20/mi.[1]
13 AAC 03.280(a)-(d)	Commercial vehicle altered speed limits:	
	-3-9 mph over posted limit	12/mi.[1]
	-10-14 mph over posted limit	20/mi.[1]
13 AAC 03.295	Commercial vehicle: minimum speed regulation	90
13 AAC 03.325(b),(c),(e)	Commercial vehicle special speed limit when:	
	(b) Towing mobile home, or	
	(c) Equipped with lighted headlights, or	
	(e) Passing school bus with flashing yellow lights	
	-3-9 mph over	15/mi.[1]
	-10-14 mph over	20/mi.[1]
13 AAC 03.325(f)	Commercial vehicle: oversize or excess speed when crossing over bridge or through tunnel	
	-3-9 mph over	15/mi.[1]
	-10-14 mph over	20/mi.[1]
	-Overwidth	50/ft.[1]
	-Overlength	25/ft.[1]
13 AAC 04.002	Unlawful to drive unsafe vehicle	150
13 AAC 04.003	Minimum equipment required for sale /rent /lease/ban	75
13 AAC 04.004 (a)-(c)	Sale or use of equipment	50
13 AAC 04.005(a)	Disconnection/alteration of equipment	50
13 AAC 04.005(b)	Operating a vehicle modified to be too low or too high	300
13 AAC 04.005(c)	Operating a vehicle with features or load adversely affecting steering, braking or stability	200
13 AAC 04.006(b)-(c)	Submit to roadside vehicle inspection	75

Statute or Regulation	Description of Offense	Bail
13 AAC 04.007(c)-(d)	Not to move unsafe vehicle unless authorized	150
13 AAC 04.009(a)-(c)	Prohibited practices — Inspection/repair	50
13 AAC 04.010	Illuminate lights as required	50
13 AAC 04.015(d)	Lights must be in good working order, securely mounted, not obstructed	75
13 AAC 04.020(a)&(f)-(g)	Headlight requirements	Corr/40
13 AAC 04.020(e)(1)-(2)	Headlight dimming requirements	50
13 AAC 04.025(a)-(c)	Taillight requirements	Corr/40
13 AAC 04.030(a)	Reflector requirements	Corr/40
13 AAC 04.035(a)-(c)	Stop light requirements	Corr/40
13 AAC 04.037(a)-(c)	Turn light requirements	Corr/40
13 AAC 04.040 (a)-(q)	Additional lighting requirements	Corr/40
13 AAC 04.070 (a)-(d)	Parking light requirements	Corr/40
13 AAC 04.070(e)	Parking lights not used when vehicle in motion	50
13 AAC 04.090(a),(c),(g)	Additional lights required for emergency vehicle	Corr/40
13 AAC 04.095(c)&(e)-(g)	Flashing yellow vehicular light requirements	Corr/40
13 AAC 04.095(d)&(g)-(i)	Flashing yellow lights used when required	75
13 AAC 04.097(a)	Use of flashing red light - school bus	60
13 AAC 04.097(a)-(c)	Special school bus lighting equipment	Corr/100
13 AAC 04.100(a)-(h)	Improper use of flashing blue lights	60
13 AAC 04.145(a)-(e)	Improper use of auxiliary/spot lights	60
13 AAC 04.145(a)-(e)	Restrictions on lighting equipment	Corr/40
13 AAC 04.145(f)	Use of lights in colors not authorized	50
13 AAC 04.205(a)-(c)	Brake requirements	Corr/90
13 AAC 04.205(d)-(e)	Improper towing	300
13 AAC 04.210(a)	Failure to give audible warning as required	50
13 AAC 04.210(a)-(d)	Horn/warning device requirements	Corr/60
13 AAC 04.215(a)	Exhaust system improperly modified	Corr/150
13 AAC 04.215(a)-(b)	Muffler requirements	Corr/60
13 AAC 04.220(a)-(c)	Mirror requirements	Corr/60
13 AAC 04.223	Tinted windows	Corr/150
13 AAC 04.225(a)-(b)	View not to be obstructed	60
13 AAC 04.225(a)-(g)	Windshield and wiper requirements	Corr/50
13 AAC 04.227(a)-(b)	Steering assembly, wheel alignment and body condition	Corr/200
13 AAC 04.230(a)-(e)	Tire restrictions and requirements	Corr/100
13 AAC 04.240(a)-(c)	Flares/other warning devices requirements	75
13 AAC 04.245(a)-(i)	Display of warning lights/	75

Statute or Regulation	Description of Offense	Bail
	devices	
13 AAC 04.247(a)-(c)	Color/special equipment on school buses	Corr/100
13 AAC 04.247(d)	Improper use of signs/stop arm on school bus	50
13 AAC 04.250	Compressed gas fuel requirements: venting and signage	Corr/150
13 AAC 04.252(a)-(c)	Slow moving vehicle emblem requirements	50
13 AAC 04.255(b)-(d)	Air-conditioning equipment requirements	Corr/100
13 AAC 04.257	Emission control system requirements	Corr/100
13 AAC 04.260(a)-(c)	Restrictions on television/ headset in motor vehicle	150
13 AAC 04.265(a)-(b)	Anti-spray device requirements (see AS 28.35.253 also)	Corr/50
13 AAC 04.270(a)&(c)	Safety belt requirements	Corr/75
13 AAC 04.272	Energy absorption system requirements	Corr/75
13 AAC 04.275(a)-(e)	Connections/safety devices --towed vehicles	75
13 AAC 04.320(a)-(b)	Motorcycle headlight requirements	Corr/40
13 AAC 04.320(c)	Bicycle headlight requirements	Corr/40
13 AAC 04.320(d)	Lights turned on when on highway—motor driven cycle	60
13 AAC 04.325(a)	Bicycle taillight requirements	Corr/40
13 AAC 04.325(a)-(b)	Motorcycle taillight requirements	Corr/40
13 AAC 04.330(a)-(b)	Motorcycle stop/turn light requirements	Corr/40
13 AAC 04.335(a)	Motorcycle reflector requirements	Corr/30
13 AAC 04.335(b)	Bicycle reflector	Corr/20

Statute or Regulation	Description of Offense	Bail
	requirements	
13 AAC 04.340(a)	Motorcycle brake requirements	Corr/90
13 AAC 04.340(b)	Bicycle brakes	Corr/40
13 AAC 04.345(a)	Motorcycle handgrips and foot-rests for passengers	Corr/50
13 AAC 04.345(b)	Motorcycle handlebar requirements	Corr/75
13 AAC 04.350(a)	Helmet required-minors/ passengers (AS 28.35.245 exempts adults)	75
13 AAC 04.350(b)	Eye-protective device required when no windscreen	50
13 AAC 04.350(c)	Minimum equipment for rent/lease/loan of motorcycle	75
13 AAC 04.355(a)	Other equipment required (horn, mirrors, tires, emission control system)	
	-Bicycle	Corr/40
	-Motor-driven cycle	Corr/40
13 AAC 04.355(b)	Motorcycle windshield requirements	Corr/60
13 AAC 04.400(a)-(b)	Snowmobile/off highway vehicle lights and reflectors	Corr/60
13 AAC 04.405	Snowmobile/off highway vehicle brakes	Corr/60
13 AAC 04.410	Snowmobile/off highway vehicle throttle	Corr/60
13 AAC 04.415(a)-(b)	Snowmobile/off highway vehicle muffler/emission controls	Corr/60
13 AAC 04.420(a)-(b)	Snowmobile/off highway vehicle other equipment	Corr/40
13 AAC 04.420(a)(4)	Rigid draw bar required when towing with snowmobile	Corr/50

State Regulation	Federal Regulation	Description of Offense	Bail
17 AAC 25.200	49 CFR 105	Transportation of hazardous materials	300
	49 CFR 107		
	49 CFR 171		
	49 CFR 172		
	49 CFR 173		
	49 CFR 177		
	49 CFR 178		
	49 CFR 180		
17 AAC 25.210	49 CFR 387	Failure to maintain minimum insurance (interstate carriers)	500
17 AAC 25.210	49 CFR 390.13	Aiding or abetting violations	400
17 AAC 25.210	49 CFR 390.15	Records and assistance required to be available	300
17.AAC 25.210	49 CFR 390.21	Marking of commercial vehicles	200
17 AAC 25.210	49 CFR 390.35	False Statement/Record	400
17 AAC 25.210	49 CFR 391.11(b)(1)	Driving a CV while under age 21 – Interstate	200
17 AAC 25.210	49 CFR 391.11(b)(2)	Interstate CV driver must read and speak English	200
17 AAC 25.210	49 CFR 391.21	Driving a CV with insufficient employment application	200
17 AAC 25.210	49 CFR 391.31	Driving a CV without road test certificate	200
17 AAC 25.210	49 CFR 391.41	Driving A CV without medical examiner's certificate in possession	200
17 AAC 25.210	49 CFR 391.41(b)(10)	Corrective lenses to be worn	150

State Regulation	Federal Regulation	Description of Offense	Bail
17 AAC 25.210	49 CFR 391.41(b)(11)	Hearing aid to be worn	150
17 AAC 25.210	49 CFR 391.51	Carrier required to maintain driver qualification files	200
17 AAC 25.210	49 CFR 392.3	Driving while ill or fatigued	300
17 AAC 25.210	49 CFR 392.4	Possession/influence/use of drugs/other substances while on duty	300
17 AAC 25.210	49 CFR 392.5	Alcohol Prohibition	300
17 AAC 25.210	49 CFR 392.6	Carrier schedule requires violation of speed limits	300
17 AAC 25.210	49 CFR 392.7	Failure to check/use parts and accessories	150
17 AAC 25.210	49 CFR 392.8	Failure to check/use emergency equipment	150
17 AAC 25.210	49 CFR 392.9	Inspection of cargo and cargo securement required	300
17 AAC 25.210	49 CFR 392.9a	No operating authority	300
17 AAC 25.210	49 CFR 392.10	Railroad grade crossings; stopping required	200
17 AAC 25.210	49 CFR 392.11	Slow and exercise caution approaching railroad crossing	200
17 AAC 25.210	49 CFR 392.14	Extreme caution and reduced speed or discontinued operation required in hazardous condition	300
17 AAC 25.210	49 CFR 392.16	Seat belt must be used if installed	150
17 AAC 25.210	49 CFR 392.22	Hazard warning signals and devices required when stop on highway or shoulder	200
17 AAC 25.210	49 CFR 392.24	Lighted fusee may not be attached to vehicle	150
17 AAC 25.210	49 CFR 392.25	Flame-producing emergency signal may not be used with dangerous cargo	300
17 AAC 25.210	49 CFR 392.33	Lamps or reflectors obscured	200
17 AAC 25.210	49 CFR 392.50	Unsafe fueling practices	100
17 AAC 25.210	49 CFR 392.51	Reserve fuel carried improperly	200
17 AAC 25.210	49 CFR 392.60	Transporting unauthorized person	150
17 AAC 25.210	49 CFR 392.62	Safe operation of bus required	150
17 AAC 25.210	49 CFR 392.63	Towing or pushing loaded bus	300
17 AAC 25.210	49 CFR 392.64	Riding in closed vehicle without proper exit	150
17 AAC 25.210	49 CFR 392.66	Carbon monoxide: Use of vehicle when detected	300
17 AAC 25.210	49 CFR 392.67	No open flame heater while vehicle in motion	300
17 AAC 25.210	49 CFR 392.71	Radar detector; use and/or possession	300
17 AAC 25.210	49 CFR 393.9	Lamps operable and no obstruction of lamps/reflectors	15/lamp[2]
17 AAC 25.210	49 CFR 393.11	Lamp and reflective device requirements	15/lamp[2]
17 AAC 25.210	49 CFR 393.17	Lamps and reflectors—Combinations in driveaway-towaway operation	10/lamp[2]
17 AAC 25.210	49 CFR 393.19	Hazard warning system must be independent from ignition and must flash turn signals simultaneously	150
17 AAC 25.210	49 CFR 393.22	Combination of lighting devices and reflectors	15/lamp[2]
17 AAC 25.210	49 CFR 393.23	Lamps must be powered by electric system	15/lamp[2]
17 AAC 25.210	49 CFR 393.24	Requirements for head lamps and auxiliary driving lamps and front fog lamps	15/lamp[2]
17 AAC 25.210	49 CFR 393.25	Requirements for lamps other than head lamps	15/lamp[2]
17 AAC 25.210	49 CFR 393.26	Requirements for reflectors	15/reflector[2]
17 AAC 25.210	49 CFR 393.28	Wiring system requirements	75
17 AAC 25.210	49 CFR 393.30	Battery installation	75
17 AAC 25.210	49 CFR 393.40	Required brake systems	300
17 AAC 25.210	49 CFR 393.41	Parking brake system	150
17 AAC 25.210	49 CFR 393.42	Brakes required on all wheels	300
17 AAC 25.210	49 CFR 393.43	Breakaway and emergency braking	300
17 AAC 25.210	49 CFR 393.44	Front brake lines, protection	300
17 AAC 25.210	49 CFR 393.45	Brake tubing and hoses; hose assemblies and end fittings, adequacy	150
17 AAC 25.210	49 CFR 393.47	Brake actuators, slack adjusters, linings/pads and drums/rotors	150
17 AAC 25.210	49 CFR 393.48	Brakes to be operative	300
17 AAC 25.210	49 CFR 393.49	Single valve to operate all brakes	300
17 AAC 25.210	49 CFR 393.50	Reservoirs required	200
17 AAC 25.210	49 CFR 393.51	Brake failure warning signals required	200
17 AAC 25.210	49 CFR 393.52	Brake performance	300
17 AAC 25.210	49 CFR 393.53	Automatic brake adjusters and brake adjustment indicators	300
17 AAC 25.210	49 CFR 393.60	Glazing in specified openings	75
17 AAC 25.210	49 CFR 393.61	Window construction	100
17 AAC 25.210	49 CFR 393.62	Window obstructions	150
17 AAC 25.210	49 CFR 393.63	Windows, markings	100
17 AAC 25.210	49 CFR 393.65	All fuel systems	100
17 AAC 25.210	49 CFR 393.67	Liquid fuel tanks	100

State Regulation	Federal Regulation	Description of Offense	Bail
17 AAC 25.210	49 CFR 393.69	Liquefied petroleum gas systems	100
17 AAC 25.210	49 CFR 393.70	Coupling devices and towing methods, except for driveaway-towaway operations	200
17 AAC 25.210	49 CFR 393.71	Coupling devices and towing methods, driveaway-towaway operations	200
17 AAC 25.210	49 CFR 393.75	Tires	100/tire[3]
17 AAC 25.210	49 CFR 393.76	Sleeper berths	75
17 AAC 25.210	49 CFR 393.77	Heaters	150
17 AAC 25.210	49 CFR 393.78	Windshield wipers	150
17 AAC 25.210	49 CFR 393.79	Defrosting device	150
17 AAC 25.210	49 CFR 393.80	Rear-vision mirrors	150
17 AAC 25.210	49 CFR 393.81	Horn	75
17 AAC 25.210	49 CFR 393.82	Speedometer	150
17 AAC 25.210	49 CFR 393.83	Exhaust systems	200
17 AAC 25.210	49 CFR 393.84	Floors	75
17 AAC 25.210	49 CFR 393.86	Rear end protection	300
17 AAC 25.210	49 CFR 393.87	Flags on projecting loads	200
17 AAC 25.210	49 CFR 393.88	Television receivers	150
17 AAC 25.210	49 CFR 393.89	Buses, driveshaft protection	150
17 AAC 25.210	49 CFR 393.90	Buses, standee line or bar	150
17 AAC 25.210	49 CFR 393.91	Buses, aisle seats prohibited	150
17 AAC 25.210	49 CFR 393.92	Buses, marking emergency doors	200
17 AAC 25.210	49 CFR 393.93	Seats, seat belt assemblies and seat belt assembly anchorages	150
17 AAC 25.210	49 CFR 393.94	Vehicle interior noise levels	150
17 AAC 25.210	49 CFR 393.95	Emergency equipment on all power units	150
17 AAC 25.210	49 CFR 393.100	General rules for protection against shifting or falling cargo	300
17 AAC 25.210	49 CFR 393.102	Securement systems	300
17 AAC 25.210	49 CFR 393.104	Blocking and bracing	150
17 AAC 25.210	49 CFR 393.106	Front-end structure	300
17 AAC 25.210	49 CFR 393.201	Frames	200
17 AAC 25.210	49 CFR 393.203	Cab and body components	200
17 AAC 25.210	49 CFR 393.205	Wheels	100/wheel[3]
17 AAC 25.210	49 CFR 393.207	Suspension systems	150
17 AAC 25.210	49 CFR 393.209	Steering wheel systems	200
17 AAC 25.210	49 CFR 396.3	Motor carrier must inspect, repair and keep records	200
17 AAC 25.210	49 CFR 396.5	Motor carrier must ensure vehicle lubrication	200
17 AAC 25.210	49 CFR 396.7	Operation in unsafe condition forbidden	300
17 AAC 25.210	49 CFR 396.9(c)(2)	Operation of "Out of Service" vehicle prohibited	300
17 AAC 25.210	49 CFR 396.9(c)(3)	Removal of "Out of Service" sticker prohibited	300
17 AAC 25.210	49 CFR 396.11	Failure to prepare daily vehicle inspection report	75
17 AAC 25.210	49 CFR 396.13	Failure to review/sign last vehicle inspection report	75
17 AAC 25.210	49 CFR 396.15	Driveaway-towaway operations & inspections	200
17 AAC 25.210	49 CFR 396.17	Periodic inspection and documentation required	100
17 AAC 25.210	49 CFR 396.19	Qualifications of inspectors	200
17 AAC 25.210	49 CFR 396.21	Periodic inspection recordkeeping	200
17 AAC 25.210	49 CFR 396.25	Qualifications of brake inspectors	200
17 AAC 25.210	49 CFR 399.207	Truck and truck-tractor access requirements	75
17 AAC 25.210	49 CFR 399.211	Steps, handholds and deck plates must be maintained	75
17 AAC 25.220	49 CFR 395.1(h)	Maximum driving and on-duty time in Alaska	200
17 AAC 25.220	49 CFR 395.8	Driver must record duty status	150
17 AAC 25.220	49 CFR 395.13(c)	Motor carrier may not allow out-of-service driver to drive	300
17 AAC 25.220	49 CFR 395.13(d)	Out-of-service driver may not drive	300

Statute or Regulation	Description of Offense	Bail
17 AAC 42.020(a)(3)	Failure to obey posted sign, signal or control device on a highway or vehicular way/area (international airport):	
	-Motor vehicle	50
	-Pedestrian or non-motorized vehicle	30

Statute or Regulation	Description of Offense	Bail
17 AAC 42.020(b)	Failure to remain in public area provided for particular class of traffic or mode of travel (international airport)	30
17 AAC 42.030(b)	Operation of aircraft on a highway (international airport)	50
17 AAC 42.080(a)	Failure to operate motor	50

Statute or Regulation	Description of Offense	Bail
	vehicle in accordance with airport operational orders under 17 AAC 42.020(a)(2) (international airport)	
17 AAC 42.080(b)	Improper vehicular crossing of airport boundary (international airport)	50
17 AAC 42.080(c)	Operating a vehicle in a manner that interferes with aircraft (international airport)	100
17 AAC 42.080(d)	Speeding (international airport):	
	-3-19 mph over limit	8/mi.[3]
	-20 mph or more over limit	12/mi.[3]
17 AAC 42.080(e)	Illegal parking/abandoning vehicle in a terminal building baggage or service vehicle area (international airport)	50
17 AAC 42.080(g)	Operating a vehicle in an airport restricted area without a current valid operator's license (international airport)	100
17 AAC 42.085	Ramp operator's permit required for operation in airport restricted area (international airport)	50
17 AAC 42.085	Improper operation on runways	200
17 AAC 42.090(b)	Illegal parking/abandoning vehicle in a prohibited area (international airport)	
	-more than 300 feet from a terminal	30
	-within 300 feet of a terminal	50
17 AAC 42.090(b)	Expired Parking Meter (international airport)	20
17 AAC 42.095(a)	Commercial passenger vehicle must obtain permit (international airport)	50
17 AAC 45.020(a)(3)	Failure to obey posted sign, signal or control device on a highway or vehicular way/area (rural airport):	
	-Motor vehicle	50
	-Pedestrian or non-motorized vehicle	30
17 AAC 45.020(b)	Failure to remain in public area provided for particular class of traffic or mode of travel (rural airport)	30
17 AAC 45.030(b)	Operation of aircraft on a highway (rural airport)	50
17 AAC 45.080(a)	Failure to operate motor vehicle in accordance with airport operational orders under 17 AAC 45.020(a)(2)(rural airport)	50
17 AAC 45.080(b)	Improper vehicular crossing of airport boundary (rural airport)	50
17 AAC 45.080(c)	Operating a vehicle in a manner that interferes with aircraft (rural airport)	100
17 AAC 45.080(d)	Speeding (rural airport):	
	-3-19 mph over limit	8/mi.[4]
	-20 mph or more over limit	12/mi.[4]
17 AAC 45.080(e)	Illegal parking/abandoning vehicle in a terminal building baggage or service vehicle area (rural airport)	50
17 AAC 45.080(g)	Operating a vehicle in an airport restricted area without a current valid operator's license (rural airport)	100
17 AAC 45.085	Ramp operator's permit required for operation in airport restricted area (rural airport)	50
17 AAC 45.090(c)	Expired parking meter (rural airport)	20
17 AAC 45.090(d)	Illegal parking/abandoning vehicle in a prohibited area (rural airport)	
	-more than 300 feet from a terminal	30
	-within 300 feet of a terminal	50
17 AAC 45.095(d)	Commercial passenger vehicles must obtain permit (rural airport)	50

[1] Maximum bail amount: $300. AS 28.90.010(c). Maximum bail amount in highway work zone or traffic safety corridor: $600.

[2] Maximum bail amount: $500. AS 45.75.380(a)(11) and AS 12.55.035(b)(7)— violations. The penalty and the maximum are *not* doubled in highway work zones or traffic safety corridors.

[3] Maximum bail amount: $500. AS 02.15.240—misdemeanors. The penalty and the maximum are *not* doubled in highway work zones or traffic safety corridors.

(Adopted by SCO 775 effective January 1, 1987; amended by SCO 910 effective September 15 1988; by SCO 944 effective September 30, 1988; by SCO 1047 effective nunc pro tunc September 12, 1990; by SCO 1151 effective February 1, 1994; by SCO 1215 effective July 15, 1995; by SCO 1328 effective July 15, 1998; by SCO 1347 effective August 27, 1998; by SCO 1352 effective April 30, 1999; by SCO 1363 effective July 30, 1999; by SCO 1406 effective October 15, 2000; by SCO 1495 effective November 8, 2002; SCO 1530 effective nunc pro tunc to September 1, 2003; by SCO 1531 effective November 5, 2003; by SCO 1542 effective December 5, 2003; by SCO 1550 effective July 1, 2004; by SCO 1585 effective August 15, 2005; by SCO

1619 effective nunc pro tunc to May 27, 2006; by SCO 1634 effective December 20, 2006; by SCO 1678 effective September 2, 2008; by SCO 1805 effective October 15, 2013; by SCO 1888 effective nunc pro tunc to July 1, 2016 and by SCO 1949 effective July 9, 2019)

Note to SCO 1215: The surcharge requirement was added by §§ 2 and 5, ch. 119 SLA 1994, adopting AS 12.55.039 and AS 28.05.151(c). This order is made for the sole reason that the legislature has mandated the amendments.

Note to SCO 1352: The requirement that the bail amount for offenses committed within a highway work zone be doubled was added by §§ 1 and 2, ch. 64 SLA 1998, adopting AS 28.05.151(d) and AS 28.40.070. This order is made for the sole reason that the legislature has mandated the amendment.

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.

Note to SCO 1619: The requirement that the bail amount for offenses committed within a traffic safety corridor be doubled was added by §§ 2 and 4, chapter 45 SLA 2006, amending AS 28.05.151(d) and AS 28.40.070. This order is made for the sole reason that the legislature has mandated the amendment.

Rule 43.2. Fish and Game Bail Forfeiture Schedule.

Pursuant to AS 16.05.165(b), the following fish and game offenses are appropriate for disposition without court appearance upon payment and forfeiture of the bail amounts listed and forfeiture of all seized items listed on the citation. If a person charged with one of these offenses appears in court and is convicted, the fine imposed for the offense may not exceed the bail amount for that offense listed below. In addition, fish, game, or equipment may be forfeited under AS 16.05.190 or AS 16.05.195.

Pursuant to AS 16.05.330(f), a citation for an offense listed as "Corr" must be dismissed (or voided) if proof of correction is provided to the arresting or citing agency within the time allowed. If satisfactory evidence of a valid license is not provided, the offense may be disposed of without court appearance upon payment and forfeiture of the bail amount listed.

Unless stated otherwise, the bail amounts apply to all offenses in the sections and subsections of the statutes and regulations listed. If a section is listed, the bail amount applies to all offenses in that section and any subsections. If a subsection is listed, the bail amount applies to all offenses in that subsection and any subparts.

The bail amount also applies if a regulation listed below is modified by an emergency order.

Statute or Regulation	Description of Offense	Bail
AS 16.05.330(a)(1)	Sport fishing without license in possession	Corr/$200
AS 16.05.330(a)(2)	Hunting without license in possession	Corr/250
AS16.05.340(a)(17)(A)	Taking waterfowl without state duck stamp	75
AS 16.05.340(a)(23)	King salmon stamp required for residents	100
AS 16.05.340(a)(24)	King salmon stamp required for non-residents	200
AS 16.05.420(b)	False statement on license application without any culpable mental state (does not include offenses committed knowingly)	300
AS 16.05.480(a)	Crewmember fishing license required	250
AS 16.05.490(a)	Vessel license required	200
AS 16.05.520(a)	Vessel number plate	100
AS 16.05.680(a)(1)	Employ unlicensed crew member	250
5 AAC 01.010(h)	Identification of subsistence finfish fishing gear	100
5 AAC 01.010(i)	Escape mechanism requirements for subsistence fishing gear	100
5 AAC 01.011(i)	Failure to record subsistence catch on proxy form	100
5 AAC 01.015(b)(5)	Failure to record daily catch on subsistence permit (finfish Statewide)	100
5 AAC 01.240(c)	Marking of subsistence taken king salmon (lower Yukon River)	100
5 AAC 01.630(e)(8)	Failure to record salmon on subsistence permit (Glennallen Subdistrict)	100
5 AAC 01.640	Failure to mark subsistence taken salmon (Copper River Districts)	100
5 AAC 01.750	Subsistence fishing from a vessel with greater than 35 HP motor (Klawock Inlet, Southeast Alaska)	150
5 AAC 02.010(e)(1-2)	Identification of subsistence shellfish gear	100
5 AAC 02.010(f)	Escape mechanism requirements for subsistence shellfish pots	100
5 AAC 02.015(a)(5)	Failure to record daily catch on subsistence use permit (shellfish Statewide)	100
5 AAC 02.115 (1-2 & 6-7)	Subsistence – bag, possession, size, and gear requirements for Dungeness crab (Southeast and Yakutat)	100 plus 20 per illegally taken crab
5 AAC 02.120 (3-4)	Subsistence – bag, possession, and size requirements for king crab (Yakutat)	100 plus 100 per illegally taken king crab
5 AAC 02.120 (6-7)	Subsistence – gear requirements for king crab (Southeast and Yakutat)	100 plus 50 per illegal pot or ring net
5 AAC 02.125 (1 & 3-4)	Subsistence – bag, possession, size, and gear requirements for Tanner crab (Southeast and Yakutat)	100 plus 20 per illegally taken crab, 50 per illegal pot or ring net
5 AAC 02.210(5)	Subsistence – Take shrimp closed season (Prince William Sound)	100
5 AAC 02.307	Unlawful tanner crab subsistence fishing gear (Cook Inlet)	100
5 AAC 02.310(b)(2)	Subsistence – bag, possession and size limits for littleneck and butter clams (Cook Inlet)	100 plus 1 per illegally taken clam
5 AAC 02.325	Subsistence – tanner crab season, bag, possession and size limits—permit required—recording required (Cook Inlet)	100 plus 20 per illegally taken crab
5 AAC 02.415(a)	Take overlimit/undersized or female Dungeness crab (Kodiak)	100 plus 20 per illegally taken crab

Statute or Regulation	Description of Offense	Bail
5 AAC 02.506	Take king or tanner crab without subsistence permit, failure to record catch immediately (AK Peninsula and Aleutian Islands)	100
5 AAC 02.515	Take overlimit/undersized or female Dungeness crab (AK Peninsula and Aleutian islands)	100 plus 20 per illegally taken crab
5 AAC 02.520	Take overlimit/undersized or female king crab, unattended pots to be secured open (AK Peninsula and Aleutian Islands)	100 plus 100 per illegally taken king crab
5 AAC 02.525	Take overlimit/undersized or female Tanner crab (AK Peninsula and Aleutian Islands)	100 plus 20 per illegally taken crab
5 AAC 05.334(a)	ID requirements for commercial salmon drift gillnets (Yukon River)	200
5 AAC 05.334(b)	ID requirements for commercial salmon stationary gear (Yukon River)	200
5 AAC 05.340	Failure to display vessel identification (Yukon River)	200
5 AAC 06.331(q)	Unlit set/drift net (Bristol Bay)	250
5 AAC 06.334(c)	Set gillnet buoy and marking requirements (Bristol Bay)	250
5 AAC 07.334(a)	ID requirements for commercial salmon drift gillnets (Kuskokwim River)	200
5 AAC 07.334(b)	ID requirements for commercial salmon stationary gear (Kuskokwim River)	200
5 AAC 07.340	Vessel Identification (Kuskokwim River)	200
5 AAC 21.334(c)(1)	Setnet trailer buoy required (Cook Inlet Upper Subdistrict)	250
5 AAC 28.135(a)(1-4)	Vessel Identification – D and M	200
5 AAC 29.125	Vessel Identification – HT	200
5 AAC 30.334	Identification of set gillnet (Yakutat)	200
5 AAC 39.111	Personal identification required (Statewide)	300
5 AAC 39.119(a)(1-4)	Vessel Identification – 12 inch numbers	200
5 AAC 47.020	Sport fishing – general seasons, bag, possession, annual and size limits (salt water, Southeast Alaska)	100 plus 150 per king salmon illegally taken, 50 per halibut or lingcod, 20 per other fish, 20 per crab, and 2 per razor clam
5 AAC 47.021	Sport fishing – special provisions, seasons, bag, possession, and size limits (salt water, Southeast Alaska)	100 plus 150 per king salmon illegally taken, 50 per halibut or lingcod, 20 per other fish, 20 per crab, and 2 per razor clam
5 AAC 47.022	Sport fishing – general seasons, bag, possession, annual and size limits (freshwater, Southeast Alaska)	100 plus 150 per king salmon illegally taken, 20 per other fish
5 AAC 47.023	Sport fishing – special provisions, seasons, bag, possession, and size limits (freshwater, Southeast Alaska)	100 plus 150 per king salmon illegally taken, 20 per other fish
5 AAC 47.024(a)(3)	Failure to record king salmon landing (Southeast Alaska)	100
5 AAC 47.024(c)(3)	Failure to record steelhead landing (Southeast Alaska)	100
5 AAC 47.030(i)	Use of bait in freshwater (Southeast Alaska)	100
5 AAC 52.022	Sport fishing – general seasons, bag, possession, annual and size limits (Upper Copper River and Upper Susitna River)	100 plus 150 per king salmon illegally taken, 20 per other fish
5 AAC 52.023	Sport fishing – special provisions, seasons, bag, possession, and size limits (Upper Copper River and Upper Susitna River)	100 plus 150 per king salmon illegally taken, 20 per other fish
5 AAC 52.024(b)	Failure to record king salmon landing (Upper Copper River and Upper Susitna River)	100

Statute or Regulation	Description of Offense	Bail
5 AAC 55.022	Sport fishing – general seasons, bag, possession, and size limits (Prince William Sound)	100 plus 150 per king salmon illegally taken, 50 per halibut or lingcod, and 20 per other fish (no added amount for shrimp or shrimp pots)
5 AAC 55.023	Sport fishing – special provisions, seasons, bag, possession, and size limits (Prince William Sound)	100 plus 150 per king salmon illegally taken, 50 per halibut or lingcod, and 20 per other fish
5 AAC 56.120	Sport fishing – general seasons, bag, possession, and size limits (freshwaters, Kenai Peninsula Area, excluding Kenai River Drainage Area)	100 plus 150 per king salmon illegally taken and 20 per other fish
5 AAC 56.122	Sport fishing – special provisions, seasons, bag, possession, and size limits (freshwaters, Kenai Peninsula Area, excluding Kenai River Drainage Area)	100 plus 150 per king salmon illegally taken and 20 per other fish
5 AAC 56.124(a)(2)	Failure to record king salmon landing (freshwaters, Kenai Peninsula Area, excluding Kenai River Drainage Area)	100
5 AAC 56.124(b)(2)	Failure to record rainbow/steelhead trout landing (freshwaters, Kenai Peninsula Area, excluding Kenai River Drainage Area)	100
5 AAC 57.120	Sport fishing – general seasons, bag, possession, and size limits (freshwaters, Kenai River Drainage Area)	100 plus 150 per king salmon illegally taken and 20 per other fish
5 AAC 57.121	Sport fishing – special provisions, seasons, bag, possession, and size limits (freshwaters, Kenai River Drainage Area Lower Section)	100 plus 150 per king salmon illegally taken and 20 per other fish
5 AAC 57.122	Sport fishing – special provisions, seasons, bag, possession, and size limits (freshwaters, Kenai River Drainage Area Middle Section)	100 plus 150 per king salmon illegally taken and 20 per other fish
5 AAC 57.123	Sport fishing – special provisions, seasons, bag, possession, and size limits (freshwaters, Kenai River Drainage Area Upper Section)	100 plus 150 per king salmon illegally taken and 20 per other fish
5 AAC 57.124(a)(2)	Failure to record king salmon landing (freshwaters, Kenai River Drainage Area)	100
5 AAC 57.124(b)(2)	Failure to record rainbow/steelhead trout landing (freshwaters, Kenai River Drainage Area)	100
5 AAC 57.180(c-d)	Sport fishing – Riparian habitat bank closures (freshwaters, Kenai River Drainage Area)	75
5 AAC 58.022	Sport fishing – waters, seasons, bag, possession, size limits, and special provisions (Cook Inlet – Resurrection Bay saltwater)	100 plus 150 per king salmon illegally taken, 50 per halibut or lingcod, 20 per other fish, 20 per crab, 2 per razor clam, and 1 per littleneck or butter clam
5 AAC 58.024(a)(2)	Failure to record king salmon landing (Cook Inlet – Resurrection Bay saltwater)	100
5 AAC 58.026(a)	Failure to record crab on harvest record (Cook Inlet – Resurrection Bay saltwater)	100
5 AAC 58.030(c)	Snagging or attempting to snag where prohibited (Cook Inlet north of a line extending west from Anchor Point)	125
5 AAC 58.030(d)	Snagging or attempting to snag where prohibited (saltwater of the Homer Spit, fishery enhancement lagoon)	125
5 AAC 58.035(b-g)	Shellfish methods and means (Cook Inlet – Resurrection Bay saltwater)	100

Statute or Regulation	Description of Offense	Bail
5 AAC 59.120	Sport fishing – general seasons, bag, possession, and size limits (freshwaters, Anchorage Bowl Drainages Area)	100 plus 150 per king salmon illegally taken and 20 per other fish
5 AAC 59.122	Sport fishing – special provisions, seasons, bag, possession, and size limits (freshwaters, Anchorage Bowl Drainages Area)	100 plus 150 per king salmon illegally taken and 20 per other fish
5 AAC 59.124(a)(2)	Failure to record king salmon landing (freshwaters, Anchorage Bowl Drainages area)	100
5 AAC 59.124(b)(2)	Failure to record rainbow/steelhead trout landing (freshwaters, Anchorage Bowl Drainages Area)	100
5 AAC 60.120	Sport fishing – general seasons, bag, possession, and size limits (freshwaters, Knik Arm Drainages Area)	100 plus 150 per king salmon illegally taken and 20 per other fish
5 AAC 60.122	Sport fishing – special provisions, seasons, bag, possession, and size limits (freshwaters, Knik Arm Drainages Area)	100 plus 150 per king salmon illegally taken and 20 per other fish
5 AAC 60.124(a)(2)	Failure to record king salmon landing (freshwaters, Knik Arm Drainages Area)	100
5 AAC 60.124(b)(2)	Failure to record rainbow/steelhead trout landing (freshwaters, Knik Arm Drainages Area)	100
5 AAC 61.110	Sport fishing – general seasons, bag, possession, and size limits (freshwaters, Susitna River Drainage Area)	100 plus 150 per king salmon illegally taken and 20 per other fish
5 AAC 61.112	Sport fishing – special provisions, seasons, bag, possession, and size limits (freshwaters, Susitna River Drainage Area Unit 1)	100 plus 150 per king salmon illegally taken and 20 per other fish
5 AAC 61.114	Sport fishing – special provisions, seasons, bag, possession, and size limits (freshwaters, Susitna River Drainage Area Unit 2)	100 plus 150 per king salmon illegally taken and 20 per other fish
5 AAC 61.116	Sport fishing – special provisions, seasons, bag, possession, and size limits (freshwaters, Susitna River Drainage Area Unit 3)	100 plus 150 per king salmon illegally taken and 20 per other fish
5 AAC 61.118	Sport fishing – special provisions, seasons, bag, possession, and size limits (freshwaters, Susitna River Drainage Area Unit 4)	100 plus 150 per king salmon illegally taken and 20 per other fish
5 AAC 61.120	Sport fishing – special provisions, seasons, bag, possession, and size limits (freshwaters, Susitna River Drainage Area Unit 5)	100 plus 150 per king salmon illegally taken and 20 per other fish
5 AAC 61.122	Sport fishing – special provisions, seasons, bag, possession, and size limits (freshwaters, Susitna River Drainage Area Unit 6)	100 plus 150 per king salmon illegally taken and 20 per other fish
5 AAC 61.123	Sport fishing – restrictions on fishing after taking king salmon (freshwaters, Susitna River Drainage Area)	100 plus 150 per king salmon illegally taken and 20 per other fish
5 AAC 61.124(a)(2)	Failure to record king salmon landing (freshwaters, Susitna River Drainage Area)	100
5 AAC 61.124(b)(2)	Failure to record rainbow/steelhead trout landing (freshwaters, Susitna River Drainage Area)	100
5 AAC 62.120	Sport fishing – general seasons, bag, possession, and size limits (freshwaters, West Cook Inlet Area)	100 plus 150 per king salmon illegally taken and 20 per other fish

Statute or Regulation	Description of Offense	Bail
5 AAC 62.122	Sport fishing – special provisions, bag, possession, and size limits (freshwaters, West Cook Inlet Area)	100 plus 150 per king salmon illegally taken and 20 per other fish
5 AAC 62.124(a)(2)	Failure to record king salmon landing (freshwaters, West Cook Inlet Area)	100
5 AAC 62.124(b)(2)	Failure to record rainbow/steelhead trout landing (freshwaters, West Cook Inlet Area)	100
5 AAC 64.022	Sport fishing – waters, seasons, bag, possession, size limits, and special provisions (Kodiak)	100 plus 150 per king salmon illegally taken, 50 per halibut or lingcod, 20 per other fish, and 20 per crab
5 AAC 64.025(a)(2)	Failure to record king salmon landing (Kodiak fresh water)	100
5 AAC 64.025(c)(2)	Failure to record rainbow/ steelhead trout landing (Kodiak)	100
5 AAC 65.010	Sport fishing – seasons (AK Peninsula and Aleutian Islands)	100 plus 150 per illegally taken king salmon, 50 per halibut or lingcod, and 20 per crab
5 AAC 65.020	Sport fishing – bag, possession, and size limits (AK Peninsula and Aleutian Islands)	100 plus 150 per illegally taken king salmon, 50 per halibut or lingcod, 20 per other fish, and 20 per crab
5 AAC 65.022	Sport fishing – special provisions for methods and means (AK Peninsula and Aleutian Islands)	100 plus 150 per illegally taken king salmon, and 20 per other fish
5 AAC 65.024(b)(2)	Failure to log king salmon or Rainbow/steelhead landing (AK Peninsula and Aleutian Islands)	100
5 AAC 67.020	Sport fishing – bag, possession, and size limits (Bristol Bay)	100 plus 150 per king salmon illegally taken, 100 per king crab, 50 per halibut or lingcod, 20 per other fish, and 20 per other crab
5 AAC 67.022	Sport fishing – special provisions for seasons, bag, possession, size limits, and methods and means (Bristol Bay)	100 plus 150 per king salmon illegally taken
5 AAC 67.024(b)(2)	Failure to record king salmon landing (Bristol Bay)	100
5 AAC 69.110	Sport fishing – seasons, bag, possession, and size limits (North Slope)	100 plus 150 per king salmon illegally taken and 20 per other fish
5 AAC 70.011	Sport fishing – seasons, bag, possession, and size limits (Northwestern)	100 plus 150 per king salmon illegally taken and 20 per other fish
5 AAC 70.024(b)(2)	Failure to record king salmon landing (Unalakleet River)	100
5 AAC 71.010	Sport fishing – seasons, bag, possession, and size limits (Kuskokwim-Goodnews)	100 plus 150 per king salmon illegally taken and 20 per other fish
5 AAC 71.024(a)(2)	Failure to record king salmon landing (Aniak River)	100
5 AAC 71.024(b)(2)	Failure to record rainbow trout landing (Kisaralik, Kwethluk, Kasigluk, and Arolik Rivers)	100
5 AAC 73.010	Sport fishing – seasons, bag, possession, and size limits (Yukon River)	100 plus 150 per king salmon illegally taken and 20 per other fish

Statute or Regulation	Description of Offense	Bail
5 AAC 74.010	Sport fishing – seasons, bag, possession, and size limits (Tanana River)	100 plus 150 per king salmon illegally taken and 20 per other fish
5 AAC 75.006(a)(2)	Failure to record finfish landing established by regulation or emergency order (statewide)	100
5 AAC 75.011(i)	Failure to record sport fishing catch on proxy form	100
5 AAC 75.012(b)(4)	Fail to record shark landing	100
5 AAC 75.020	Sport fishing with more than one line	100
5 AAC 75.021	More than 2 lines, hooks, or lures while ice fishing	50
5 AAC 75.022(a)(1)	Using fixed or weighted hook – freshwater	100
5 AAC 75.022(a)(2)	Multiple hook with gap larger than ½" – freshwater	100
5 AAC 75.022(a)(3-4)	Unauthorized use of spear or arrow – sport fishing in fresh water	100
5 AAC 75.022(c)	Attempt to snag or fail to release snagged fish – freshwater	100 plus 150 per king salmon illegally taken and 20 per other fish
5 AAC 75.022(d)	Use of felt sole footgear prohibited	100
5 AAC 75.023(a-b)	Illegal gear in single-hook waters	50
5 AAC 75.035(1)	ID requirements for shellfish sport fishing gear	100
5 AAC 75.035(2)	Escape mechanism requirements for shellfish sport fishing gear	100
5 AAC 75.050(a-b)	Sport fishing in closed waters	100 plus 150 per king salmon illegally taken and 20 per other fish
5 AAC 75.075(c)	Failure to have required licenses and documents in possession (sport fish guiding Statewide)	200
5 AAC 75.076(c)	Failure to complete log book as required (sport fish guiding Statewide)	200
5 AAC 75.076(e)	Failure to submit logbook (sport fish guiding Statewide)	200
5 AAC 75.077(b)	Failure to display guide boat decals or annual stickers (sport fish guiding State-wide)	100

Statute or Regulation	Description of Offense	Bail
5 AAC 77.010(a)	Sport fish license required for personal use fishing	200
5 AAC 77.010(d)	ID requirements for personal use fishing gear	100
5 AAC 77.010(f)	Marking of personal use fish	75
5 AAC 77.010(m)	Escape mechanism requirements for personal use fishing	100
5 AAC 77.015(c)	Personal use permits and report requirements	200
5 AAC 77.016(i)	Failure to record personal use catch on proxy form	100
5 AAC 77.507	Shellfish pot permit required—recording required (Cook Inlet)	100
5 AAC 77.509(a-d)	Illegal gear for shellfish (Cook Inlet)	100
5 AAC 77.516	Tanner crab – seasons, bag, possession, and size limits (Cook Inlet)	100 plus 20 per illegally taken crab
5 AAC 77.518(2)(A)	Over limit of razor clams (From the terminus of the Kenai River to southernmost tip of Homer Spit)	100 plus 2 per clam illegally taken
5 AAC 77.518(2)(B-C)	Bag, possession, and size limits for littleneck and butter clams (Cook Inlet)	100 plus 1 per clam illegally taken
5 AAC 77.525(c)	Take overlimit salmon (Cook Inlet)	100 plus 150 per king salmon illegally taken and 20 per other fish
5 AAC 77.527(2)(A-B)	Take smelt during a closed period (Cock Inlet)	100
5 AAC 77.540(a)	Personal use permit required (Upper Cook Inlet)	200
5 AAC 77.540(a)(2-3)	Failure to record catch or return personal use permit (Upper Cook Inlet)	100
5 AAC 77.540(b)(1-2)	Take salmon during closed period (Kasilof River)	100 plus $5 per minute early or late up to $300 total
5 AAC 77.540(b)(4)	Take salmon closed area (Kasilof River set net)	200
5 AAC77.540(c)(1)(A)	Take salmon during closed period (Kenai River)	100 plus $5 per minute early or late up to $300 total
5 AAC 77.540(c)(1)(C)	Take salmon closed area or from a boat powered by a two stroke motor (Kenai River dipnet)	200
5 AAC77.540(c)(1)(D)	Take salmon closed area (Kenai River shore fishery)	200
5 AAC 77.540(c)(2)(C)	Take salmon closed area (Kasilof River dipnet)	200

RULES OF ADMINISTRATION

Statute or Regulation	Description of Offense	Bail
5 AAC 77.553(a)(1)	Personal Use – Take shrimp closed season (Prince William Sound)	100
5 AAC 77.591(d)	Failure to record salmon on personal use permit (Chitina Subdistrict dipnet)	100
5 AAC 77.612 (2-3 & 5-6)	Personal use – bag, possession, size, and gear requirements for Dungeness crab (Yakutat)	100 plus 20 per crab illegally taken, 50 per illegal pot or ring net
5 AAC 77.614 (1-2 & 4-5)	Personal use – season, bag, possession, size, and gear requirements for king crab (Yakutat)	100 plus 100 per king crab illegally taken, 50 per illegal pot or ring net
5 AAC 77.616(2-4)	Personal use – bag, possession, size, and gear requirements for Tanner crab (Yakutat)	100 plus 20 per crab illegally taken, 50 per illegal pot or ring net
5 AAC 77.660(4-5)	Personal use – gear requirements for shrimp (Southeast)	100 plus 50 per illegal pot
5 AAC 77.662 (2-3 & 5-6)	Personal use – bag, possession, size, and gear requirements for Dungeness crab (Southeast)	100 plus 20 per crab illegally taken and 50 per illegal pot
5 AAC 77.664(a-d & f)	Personal use – bag, possession, size, and gear requirements for king crab (Southeast)	100 plus 100 per king crab illegally taken and 50 per pot over limit
5 AAC 77.666(a)(1-5)	Personal use – Season, bag, possession, size, and gear requirements for Tanner crab (Southeast)	100 plus 20 per crab illegally taken and 50 per illegal pot or ring net
5 AAC 77.670(2-3)	Personal use – taking overlimit or undersize abalone (Southeast)	100 plus 10 per abalone illegally taken
5 AAC 85.020(a)(1&3)	Failure to obtain registration permit only – brown bear (Units 1 and 4) (not closed season or over limit)	150
5 AAC 92.003	Hunter education and orientation requirements (statewide)	100
5 AAC 92.010	Harvest ticket not in possession; failure to validate	150
5 AAC 92.012(a)	Taking waterfowl without federal duck stamp	75
5 AAC 92.012(a)	Unsigned federal duck stamp	25
5 AAC 92.018	Unsigned state duck stamp	25
5 AAC 92.050(a)(7)	Failure to cancel permit after killing big game	150
5 AAC 92.050(a)(8)	Failure to submit permit hunt report	100
5 AAC 92.062(d)	False information on application for Tier II permit	200
5 AAC 92.080(1)	Unlawfully taking game by shooting from, on or across highway	300
5 AAC 92.080(16)	Use of felt sole foot gear prohibited	100
5 AAC 92.095(a)(17)	Trap ID required GMUs 1-5 (Southeast and Yakutat)	200
5 AAC 92.100(a)(1-6)	Taking migratory birds by illegal methods	100
5 AAC 92.100(b)	Transportation of migratory bird without fully feathered wing or head attached	50
5 AAC 92.100(c)	Taking migratory birds before or after legal shooting hours	50 plus $2 per minute early or late up to $200 total
5 AAC 92.150(a)	Possess mountain sheep without both horns	100
5 AAC 92.150(b)	No evidence of sex attached – big game	150
5 AAC 92.150(d)	No evidence of sex attached – bear	150
5 AAC 92.165(a-e)	Failure to seal bear or possess unsealed bear skin or skull	100
5 AAC 92.170	Failure to seal wolf, wolverine, lynx, marten, beaver, and otter	100
5 AAC 92.200(d)	Failure to submit required report	75
5 AAC 92.230(a)(1)	Feeding game	300
5 AAC 92.410(b)(2-3)	Failure to submit required report	75
5 AAC 93.060 (except (f))	Failure to pay fee (Little Susitna Public Use Facility) (This does not include commercial violations under subparagraph (f))	50
5 AAC 95.505(1)	Vehicle use off road (Palmer Hay Flats State Game Refuge)	300
5 AAC 95.515(1)	Vehicle use off authorized roads without permit (Susitna Flats State Game Refuge)	300
5 AAC 95.515(4)(A)	Refuse and waste (Little Susitna Public Use Facility)	100

Statute or Regulation	Description of Offense	Bail
5 AAC 95.515(4)(B)	Damage/deface state property or sign (Little Susitna Public Use Facility)	200
5 AAC 95.515(4)(C)	Damage/deface natural object (trees, etc.) (Little Susitna Public Use Facility)	200
5 AAC 95.515(4)(D)	Failure to use leash/control pets (Little Susitna Public Use Facility)	50
5 AAC 95.515(4)(E)	Assembly of more than 20 people without permit (Little Susitna Public Use Facility)	50
5 AAC 95.515(4)(F)	Fires not in campstove or authorized structure (Little Susitna Public Use Facility)	50
5 AAC 95.515(4)(G)	Use or discharge a weapon (Little Susitna Public Use Facility)	100
5 AAC 95.515(4)(H)	Limit on number of persons/vehicles (Little Susitna Public Use Facility)	50
5 AAC 95.515(4)(I)	Camping in designated areas (Little Susitna Public Use Facility)	50
5 AAC 95.515(4)(J)	Unattended campsite/ vehicle (Little Susitna Public Use Facility)	50
5 AAC 95.515(4)(K)	Camping over 15 days or authorized limit (Little Susitna Public Use Facility)	50
5 AAC 95.515(4)(L)	Unauthorized concessions (Little Susitna Public Use Facility)	100
5 AAC 95.515(4)(M)	Traffic violations (Little Susitna Public Use Facility)	50
5 AAC 95.515(4)(N)	Violation of campground rules (Little Susitna Public Use Facility)	50

(Adopted by SCO 778 effective January 1, 1987; amended by SCO 892 effective April 1, 1988; by SCO 1000 effective October 1, 1989; by SCO 1033 effective July 6, 1990; by SCO 1076 effective July 1, 1991; by SCO 1077 effective nunc pro tunc July 21, 1991; by SCO 1101 effective July 9, 1992; by SCO 1143 effective August 9, 1993; by SCO 1170 effective May 1, 1994; by SCO 1218 effective May 15, 1995; by SCO 1256 effective September 15, 1996; by SCO 1327 effective July 1, 1998; by SCO 1346 effective August 13, 1998; by SCO 1387 effective January 1, 2000; by SCO 1484 effective December 1, 2002; by SCO 1523 effective August 15, 2003; by SCO 1577 effective June 1, 2005; by SCO 1615 effective June 1, 2006; by SCO 1632 effective nunc pro tunc to October 1, 2006; by SCO 1673 effective May 5, 2008; by SCO 1734 effective July 20, 2010; by SCO 1805 effective October 15, 2013; by SCO 1828 effective July 1, 2014; and by SCO 1934 nunc pro tunc to July 14, 2018.)

Rule 43.3. Parks Bail Forfeiture Schedule.

Pursuant to AS 41.21.960(b), the following offenses committed within a park or recreational facility 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 convicted, the fine imposed for the offense may not exceed the bail amount for that offense listed below.

Regulation	Description of Offense	Bail
11 AAC 12.020(a)	Failure to comply with traffic or parking control sign	$50
11 AAC 12.020(b)	Placing or operating a vehicle beyond boundaries established by barriers	100
11 AAC 12.020(c)	Placing or operating a vehicle except on a road or parking area	200
11 AAC 12.050(a)	Bringing refuse or waste into park for disposal	200
11 AAC 12.050(b)	Contaminating state park water	200
11 AAC 12.050(c)	Littering in a state park	150
11 AAC 12.110	Operating motor vehicle under age 14	50
11 AAC 12.120	Use of horses in closed area	50
11 AAC 12.130(a)	Bringing pets into prohibited area; failure to use leash/control pets	50
11 AAC 12.130(b)	Allowing pet to create excessive noise, hazard, or unsanitary conditions	50
11 AAC 12.150	Construction of display of signs without permit	50
11 AAC 12.160	Assembly of more than 20 people without permit	50
11 AAC 12.180	Fire not in campstove or provided park structure	100
11 AAC 12.190	Illegal use of firearm or other weapon in park	300
11 AAC 12.197	Discharging fireworks without permit	200
11 AAC 12.200	Failure to use diver's flag while engaging in underwater diving	50
11 AAC 12.210	Exceeding limits on numbers of vehicles or campers per campsite	100
11 AAC 12.220(a)	Leaving camps and equipment unattended in developed campground	150
11 AAC 12.220(b)	Leaving camps and equipment unattended in undeveloped area	150
11 AAC 12.230(a)	Camping outside developed camp site or designated camping space	100
11 AAC 12.230(b)	Unauthorized camping over 15 days	50
11 AAC 12.230(c)	Return to developed campground in 15 days or less	200
11 AAC 12.230(f)	Excessive noise during campground quiet hours (11pm to 6am)	150
11 AAC 12.230(h)	Camping where prohibited	100
11 AAC 12.230(j)	Leaving food/food container accessible to bears	300
11 AAC 12.230(l)	Camping in undeveloped area more than 10 days	100
11 AAC 12.230(m)	Camping within 300 feet of a public use cabin	100

RULES OF ADMINISTRATION

Regulation	Description of Offense	Bail
11 AAC 12.235(a)	Unauthorized anchoring and mooring of a boat or structure on saltwater for more than 30 days	50
11 AAC 12.235(b)	Anchoring and mooring of a boat or structure on saltwater where prohibited	50
11 AAC 12.235(c)	Unauthorized anchoring and mooring of boat or structure on saltwater when left unattended more than 72 hours	50
11 AAC 12.240	Vandalizing park resources or property	300
11 AAC 12.245	Use of park cabin, facility, or site without permit	100
11 AAC 12.250(a)	Failure to pay fees	50
11 AAC 12.335(e)	Violation of closure or use restriction	100
11 AAC 18.030(c)	Violation of non-competitive commercial permit stipulation	200
11 AAC 18.040(g)	Violation of competitive commercial permit stipulation	200
11 AAC 20.015(b)	Operating off-road vehicle on Eklutna Lakeside Trail when prohibited (Chugach State Park)	100
11 AAC 20.045	Recreational gold panning using illegal means (Chugach State Park)	100
11 AAC 20.115(a)	Use of motorized boats in closed areas (Kachemak Bay State Park)	100
11 AAC 20.115(b)	Use of personal watercraft in closed areas (Kachemak Bay State Park)	200
11 AAC 20.115(c)	Operating motor boat in violation of no wake zone (Kachemak Bay State Park)	100
11 AAC.20.365(4)	Use of generators (Wood-Tikchik State Park)	100[1]
11 AAC.20.365(5)	Operating motorized boats or aircraft in violation of no wake zones (Lake Aleknagik State Recreation Site)	100[1]
11 AAC.20.365(5)	Operating aircraft in violation of designated aircraft landing zones (Lake Aleknagik State Recreation site)	200[1]
11 AAC 20.375(b)	Unauthorized landing of helicopter (Wood-Tikchik State Park)	300
11 AAC 20.380(b)	Use of airboats (Wood-Tikchik State Park)	200
11 AAC 20.380(c)	Use of personal watercraft (Wood-Tikchik State Park)	200
11 AAC 20.380(d)(1)	Use of hovercraft during closed season (Wood-Tikchik State Park)	200
11 AAC 20.380(d)(2)	Use of hovercraft in closed areas (Wood-Tikchik State Park)	200
11 AAC 20.380(e)	Use of motorized boat (Lake Chikuminuk) (Wood-Tikchik State Park)	200
11 AAC 20.383	Violation of watercraft use zones (Agulowak River) (Wood-Tikchik State Park)	200[1]
11 AAC 20.395	Violation of commercial permit use limitations (Wood-Tikchik State Park)	300[1]
11 AAC 20.397(a)(1)	Boating without permit (Tikchik River) (Wood-Tikchik State Park)	100
11 AAC 20.397(a)(2)	Camping without permit in restricted areas (Wood-Tikchik State Park)	100
11 AAC 20.397(b)	Party size exceeds 10 people (Wood-Tikchik State Park)	100[1]
11 AAC 20.460	Illegal use of weapons (Chena River SRA)	300
11 AAC 20.540	Use of bow and arrow or trap within ¼ mile of developed facility (Nancy Lake State Recreation Area)	300
11 AAC 20.860(d)	Failure to clearly mark boat horsepower rating (Kenai River Special Management Area)	50
11 AAC 20.860(e)	Operating boat by using a motor other than a four-stroke or direct fuel injected two-stroke (Kenai River Special Management Area)	500
11 AAC 20.861	Operating a boat that exceeds boat size specifications (Kenai River Special Management Area)	300
11 AAC 20.862(a)	Operating motor boat with more than six persons on board (Kenai River Special Management Area)	100
11 AAC 20.862(b)	Anchored boat obstructing channel (Kenai River Special Management Area)	100
11 AAC 20.862(c)	Anchored buoy left unattended (Kenai River Special Management Area)	100
11 AAC 20.862(g)(1)	Operating or towing a motorized boat in areas closed to motorized boats per 5 AAC 57.121 (Kenai River Special Management Area)	100
11 AAC 20.862(g)(2)	Operating or towing a motorized boat in areas closed to motorized boats per 11AAC 20.865 (Kenai River Special Management Area)	100
11 AAC 20.867	Use of personal watercraft in closed areas (Kenai River Special Management Area)	200
11 AAC 20.870	Operating boat or aircraft at speed greater than 5 mph in designated no wake area (Kenai Lake Outlet) (Kenai River Special Management Area)	50
11 AAC 20.875	Water skiing except on Kenai Lake (Kenai River Special Management Area)	50
11 AAC 20.880	Camping on Kenai River Islands or other prohibited areas (Kenai River Special Management Area	50
11 AAC 20.885(e)	Operating boat with expired, suspended or revoked Guide number or sticker (Kenai River Special Management Area)	50
11 AAC 20.885(f)	Sale of guide boat without notification or removal of sticker (Kenai River Special Management Area)	100

Regulation	Description of Offense	Bail
11 AAC 20.885(h)	Failure to remain within sight or sound of clients during guided activity (Kenai River Special Management Area)	100
11 AAC 20.905	Unauthorized use of alcoholic beverages	50
11 AAC 20.918	Recreational gold panning using illegal means (Kenai State Parks)	100
11 AAC 20.919	Recreational gold panning using illegal means (Independence Mine State Historical Park)	100
11 AAC 20.958	Use of bicycle in prohibited area or manner not allowed (Perseverance State Trail)	50
11 AAC 21.010(a)	Bringing refuse or waste into preserve for disposal (Alaska Chilkat Bald Eagle Preserve)	200
11 AAC 21.010(b)	Placing refuse or waste that contaminates preserve water (Alaska Chilkat Bald Eagle Preserve)	200
11 AAC 21.015(a)	Use of weapon within 1/2 mile of developed facility (Alaska Chilkat Bald Eagle Preserve)	150
11 AAC 21.035	Vandalizing preserve property or facility (Alaska Chilkat Bald Eagle Preserve)	300
11 AAC 21.045	Unauthorized construction or display of signs (Alaska Chilkat Bald Eagle Preserve)	50
11 AAC 21.051	Discharging fireworks without permit (Alaska Chilkat Bald Eagle Preserve)	200
11 AAC 21.055	Use of cabin without payment fee (Alaskan Chilkat Bald Eagle Preserve)	100
11 AAC 21.100(e)	Violation of non-competitive commercial permit stipulation (Alaska Chilkat Bald Eagle Preserve)	200
11 AAC 21.105(f)	Violation of closure or use restriction (Alaska Chilkat Bald Eagle Preserve)	100

[1] 11 AAC 20.365 adopts the *Wood-Tikchik State Park Management Plan* by reference. The Plan may be found at: http:/www.dnr.state.ak.us/parks/plans/woodt/woodtpln.htm.

(Adopted by SCO 774 effective January 1, 1987; amended by SCO 841 effective June 1, 1987; by SCO 895 effective May 1, 1988; by SCO 992 effective August 1, 1989; by SCO 1259 effective October 1, 1996; by SCO 1431 effective April 15, 2001; by SCO 1594 effective April 15, 2006; by SCO 1767 effective September 1, 2011; and by SCO 1805 effective October 15, 2013)

Rule 43.4. Smoking Bail Forfeiture Schedule.

Pursuant to AS 18.35.341(d), the following bail forfeiture amounts are established for violations of the laws prohibiting smoking in designated public places. If a person charged with one of these offenses appears in court and is convicted, the penalty imposed for the offense may not exceed the bail amount for that offense listed below.

Statute	Description of Offense	Bail
AS 18.35.301	Smoking in a place in which smoking is prohibited	$50
AS 18.35.306	Failure to display no smoking signs	100
AS 35.311	Failure by employer/building manager to prohibit smoking	100
AS 35.326	Retaliation by employer re: enforcing or cooperation with smoking laws	250

(Adopted by SCO 776 effective January 1, 1987; amended by SCO 1152 effective February 1, 1994; SCO 1805 effective October 15, 2013 and by SCO 1931 October 1, 2018.)

Rule 43.5. Alcohol Bail Forfeiture Schedule.

Pursuant to AS 04.16.205(c) the following bail forfeiture amount is established for violation of AS 04.11.501 or an ordinance adopted under this statute. If a person charged with this offense appears in court and is convicted, the penalty imposed for a first or second offense may not exceed the bail amount listed below in addition to any forfeiture required by statute.

Statute or Ordinance	Description of Offense	Bail Forfeiture Amount
AS 04.11.501 or an ordinance adopted under this statute	Possession of An Alcoholic Beverage in a Community Which Has Voted in a Local Option Election to Prohibit Such Possession	$100 for first and second offense

(Adopted by SCO 777 effective January 1, 1987; amended by SCO 1326 effective June 25, 1998; and by SCO 1805 effective October 15, 2013)

Rule 43.6. Oversize Vehicle Bail Forfeiture Schedule.

Pursuant to AS 45.75.133, the following offenses are appropriate for 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 convicted, the penalty imposed for the offense may not exceed the bail amount for that offense listed below

Statue or Regulation	Description of Offense	Bail
17 AAC 25.012(a) AS 45.75.380(a)(11)	Overwidth, 8 ft. 6 in. maximum	100/ft. or fraction thereo
17 AAC 25.012(b)	Overheight, 15 ft. maximum,	100/ft. or fraction

Statue or Regulation	Description of Offense	Bail
AS 45.75.380(a)(11)	except:	thereof
	-Dalton & Elliott Highways between Fox Weigh Station & Prudhoe Bay –17 ft. maximum	
17 AAC 25.012(c) or (d) AS 45.75.380(a)(11)	Overlength power vehicle (45 ft. maximum)	100/ft. or fraction thereof
17 AAC 25.012(c)(3) AS 45.75.380(a)(11)	Overlength semitrailer on National Highway System (NHS), 53 ft. maximum cargo-carrying length	100/ft. or fraction thereof
17 AAC 25.012 (c) or (d) AS 45.75.380(a)(11)	Overlength combination of vehicles, 75 ft. maximum	100/ft. or fraction thereof
17 AAC 25.012 (c) or (d) AS 45.75.380(a)(11)	Overhangs-3 ft. front, 4 ft. rear maximum	100/ft. or fraction thereof
17 AAC 25.012(d)(2) AS 45.75.380(a)(11)	Overlength semitrailer or trailer on state highway system (53 ft. maximum cargo-carrying length)	100/ft. or fraction thereof
17 AAC 25.012(e) AS 45.75.380(a)(11)	Overlength semi-trailer in combination (maximum 53 ft. per trailer) or more than two cargo-carrying vehicles in combination	100/ft. or fraction thereof
17 AAC 25.012(f) AS 45.75.380(a)(11)	Reasonable access, 5 miles maximum	400
17 AAC 25.013(a)(1) AS 45.75.380(a)(11)&(b)	Overweight tires	
	- 1,001 – 2,000 lbs	100
	- 2,001 - 4,000 lbs	.07/lb
	- 4,001 - 6,000 lbs	.09/lb
	- 6,001 - 10,000 lbs	.12/lb
	- 10,001 or more lbs	.15/lb
17 AAC 25.013(a)(4) AS 45.75.380(a)(11)&(b)	Overweight axle or axle group	
	-1,001 – 2,000 lbs	100
	-2,010 – 4,000 lbs	.07/lb
	-4,001 - 6,000 lbs	.09/lb
	-6,001 - 10,000 lbs	.12/lb
	-10,001 or more lbs	.15/lb
17 AAC 25.013(a)(5) AS 45.75.380(a)(11)&(b)	Overweight three-axle group	
	- 1,001 – 2,000 lbs	100
	- 2,001 – 4,000 lbs	.07/lb
	- 4,001 – 6,000 lbs	.09/lb
	- 6,001 – 10,000 lbs	.12/lb
	- 10,001 or more lbs	.15/lb
17 AAC 25.013(a)(6) AS 45.75.380(a)(11) & (b)	Overweight gross	
	- 1,001 - 2000 lbs	100
	- 2,001 - 4,000 lbs	.07/lb
	- 4,001 - 6,000 lbs	.09/lb
	- 6,001 - 10,000 lbs	.12/lb
	- 10,001 or more lbs	.15/lb
17 AAC 25.013(b)	Overweight distribution	300
17 AAC 25.013(b) AS 45.75.380(a)(11) & (b)	Overweight inner gross (tractor and first cargo vehicle)	
	- 1,001 - 2000 lbs	100
	- 2,001 - 4,000 lbs	.07/lb
	- 4,001 - 6,000 lbs	.09/lb
	- 6,001 - 10,000 lbs	.12/lb
	- 10,001 or more lbs	.15/lb
17 AAC 25.013(c) AS 45.75.380(a)(11) & (b)	Overweight axle combination	
	- 1,001 - 2000 lbs	100 lbs
	- 2,001 - 4,000 lbs	.07/lb
	- 4,001 - 6,000 lbs	.09/lb
	- 6,001 - 10,000 lbs	.12/lb
	- 10,001 or more lbs	.15/lb

Statue or Regulation	Description of Offense	Bail
17 AAC 25.014(a) AS 45.75.380(a)(11)	Overlength long combination vehicle (LCV)	100/ft. or fraction thereof
	- 120 ft. maximum overall	
	- 95 ft. maximum length of cargo vehicles (designated routes)	
17 AAC 25.014(b) AS 45.75.380(a)(11)	Overlength combination of vehicles, 90 ft. maximum (designated routes)	100/ft. or fraction thereof
17 AAC 25.014(c) AS 45.75.380(a)(11)	Overlength combination of vehicles, 95 ft. maximum overall length (designated routes)	100/ft. or fraction thereof
17 AAC 25.014(d) AS 45.75.380(a)(11)	Triples prohibited without permit (three cargo carrying units)	500
17 AAC 25.014(e)(2) AS 45.75.380(a)(11)	Oversize sign required on combinations over 75 ft.	200
17 AAC 25.014(f) AS 45.75.380(a)(11)	Reasonable access, 5 miles maximum (long combination vehicles)	400
17 AAC 25.014(g) AS 45.75.380(a)(11)	Headlights must be illuminated at all times (long combination vehicles)	200
17 AAC 25.310 AS 45.75.380(a)(11)	Failure to stop at weigh station	300
17 AAC 25.320(b) AS 45.75.380(a)(10)	Driving without permit when required	400
AS 45.75.380(a)(10)	Permit has expired	200
17 AAC 25.320(b) AS 45.75.380(a)(10)	Load is reducible and not specifically authorized by permit	200
17 AAC 25.320(b) AS 45.75.380(a)(10)	Moving during a period of time not authorized by permit	200
17 AAC 25.320(b) AS 45.75.380(a)(10)	Traveling off route specified on permit	200
17 AAC 25.320(b) AS 45.75.380(a)(10)	Exceeds maximum size stated on permit	200
17 AAC 25.320(b) AS 45.75.380(a)(10)	Has overhang not authorized by permit	200
17 AAC 25.320(b) AS 45.75.380(a)(10)	Does not have proper signs, beacons, pilot cars, communications, flags or police escort (where required by permit)	200
17 AAC 25.320(b) AS 45.75.380(a)(10)	Does not conform with special conditions described on permit (other than speed)	200
17 AAC 25.320(b) AS 45.75.380(a)(10)	Speeding:	12/mile
	- 3-9 MPH over limit set in permit	
	- 10-19 MPH over limit set in permit	20/mile
17 AAC 25.340(b)	Refusal to submit to vehicle inspection and/or tests	500
17 AAC 25.340(c) AS 45.75.380(a)(11)	No permit on vehicle; or, issuance cannot be readily verified	200

(Adopted by SCO 849 effective October 1, 1987; amended by SCO 1102 effective July 9, 1992; by SCO 1220 effective August 15, 1995; by SCO 1532 effective November 5, 2003; by SCO 1552 effective July 1, 2004; by SCO 1586 effective August 15, 2005; by SCO 1621 effective nunc pro tunc to June 29, 2006; by SCO 1636 effective December 31, 2006; by SCO 1679 effective September 2, 2008; by SCO 1805 effective October 15, 2013; and by SCO 1858 effective June 15, 2015)

Rule 43.7. Warning Signs Bail Forfeiture Schedule.

Pursuant to AS 04.21.065(g), the following bail forfeiture amount is established for violation of the law requiring the posting of warning signs. If a person charged with this offense appears in court and is convicted, the penalty imposed for the offense may not exceed the bail amount listed below.

Statute	Description of Offense	Bail Forfeiture Amount
AS 04.21.065	Failure to post warning signs (1) about birth defects, or (2) about providing alcoholic beverages to persons under 21, or (3) about persons under 21 years of age entering premises.	$100

(SCO 1131 effective July 15, 1993; amended by SCO 1175 effective December 1, 1994; by SCO 1600 effective August 24, 2006; and by SCO 1805 effective October 15, 2013)

Rule 43.8. Watercraft Bail Forfeiture Schedule.

Pursuant to AS 05.25.090(c), the following offenses listed in AS 05.25.090(b) may be disposed of 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 convicted, the fine imposed for the offense may not exceed the bail amount for that offense listed below.

Statute	Description of Offense	Bail
AS 05.25.010(a)(1)	Failure to have or use Coast Guard approved sound producing device and visual distress signals.	$50
AS 05.25.010(a)(2)	Failure to have Coast Guard approved ventilation and backfire flame control devices.	$50
AS 05.25.010(a)(3)	Coast Guard approved fire extinguishers required.	$100
AS 05.25.010(c)	Failure to display Coast Guard approved navigational lights.	$50
AS 05.25.010(d)	Personal flotation device required for each person on board.	$100 plus $50 for each additional person
AS 05.25.010(e)	Throwable type 4 personal flotation device required on boats that are 16 feet and longer. (Except canoes and kayaks.)	$100
AS 05.25.010(f)	Unlawful use of flashing or revolving red or blue emergency lights	$50
AS 05.25.010(g)	Transporting on deck or in open boat persons under 13 years of age who are not wearing a personal flotation device. (Operator responsible)	$100
AS 05.25.020(a)	Towing a person on water skis, surfboard, or a similar device without either an observer 12 years or older or a rear view mirror.	$100
AS 05.25.020(b)	Towing a person under 13 years of age, who is not wearing a personal flotation device, on water skis, surfboard, or similar device. (Operator responsible.)	$100
AS 05.25.030(b)	Failure to file an accident report when an injury occurs or damage greater than $500 occurs	$150
AS 05.25.055(a)	Failure to register powerboat.	$50
AS 05.25.055(d)	Failure to display properly issued identification number and a validation decal.	$50

This rule is in effect until such time as the statutes listed above are amended or repealed pursuant to sec. 30, ch. 28 SLA 2000 as amended by sec. 3, ch. 34 SLA 2004.

(SCO 1429 effective April 15, 2001; amended by SCO 1583 effective August 11, 2005; and by SCO 1805 effective October 15, 2013)

Rule 43.9. Skiing Bail Forfeiture Schedule.

Pursuant to AS 05.45.100(i), the following offenses listed in AS 05.45.100(c) and (g) may be disposed of 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 convicted, the fine imposed for the offense may not exceed the bail amount for that offense listed below.

Statute or Regulation	Description of Offense	Bail
AS 05.45.100(c)(1)	Skiing on closed slope or trail	$150
AS 05.45.100(c)(2)	Stopping device required	$50
AS 05.45.100(c)(3)	Crossing uphill track of surface lift	$50
AS 05.45.100(c)(4)	Skiing or riding lift under influence of alcohol or drugs	$150
AS 05.45.100(c)(5)	Failure to ski within ski area boundaries	$150
AS 05.45.100(g)	Failure to remain at scene of accident	$150

(Adopted by SCO 1557 effective October 15, 2004; amended by SCO 1805 effective October 15, 2013)

Rule 43.10. Knik River Public Use Area Bail Forfeiture Schedule.

Pursuant to AS 41.23.220(b), the following offenses committed within the Knik River Public Use Area (KRPUA) shall be disposed of 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 convicted, the fine imposed for the offense may not exceed the bail amount for that offense listed below.

When an offense is listed by regulation paragraph, the bail amounts apply to all offenses in that paragraph and any subparts.

Regulation	Description of Offense	Bail
11 AAC 96.016(b)(1)	Failure to obtain permit for activity listed in 11 AAC 96.010	$150
11 AAC 96.016(b)(2)	Failure to register commercial recreation use	$50
11 AAC 96.016(b)(4)	Commercial harvest of non-timber forest products without a permit	$100
11 AAC 96.016(c)(1)	Leaving vehicle unattended more than 72 hours	$400

Regulation	Description of Offense	Bail
11 AAC 96.016(c)(2)	Transporting non-functional vehicle into the area	$400
11 AAC 96.016(c)(3)	Unauthorized operation of a vehicle	$150
11 AAC 96.016(c)(4)	Unauthorized operation of a vehicle resulting in disturbance of wetlands or organic mat to a depth greater than 6 inches	$300
11 AAC 96.016(c)(5)	Unauthorized fire	$50
11 AAC 96.016(c)(6)	Burning a wooden pallet, structure, or other unauthorized object or material	$50
11 AAC 96.016(c)(7)	Placing, dumping, or discarding waste or refuse	$200
11 AAC 96.016(c)(8)	Placing, dumping, discarding, or releasing hazardous substances	$300
11 AAC 96.016(c)(9)	Unauthorized construction, maintenance or abandonment of a structure	$200
11 AAC 96.016(c)(10)	Unauthorized cutting, collecting, or harvesting of trees larger than 5-inch diameter	$75
11 AAC 96.016(c)(11)	Erecting a camp, structure, or facility for more than the authorized time limit	$100
11 AAC 96.016(c)(12)	Discharging a firearm at unauthorized target	$150
11 AAC 96.016(c)(13)	Discharging a firework	$50
11 AAC 96.016(c)(14)	Discharging a firearm in prohibited area	$150
11 AAC 96.016(c)(15)	Repeatedly approaching fish or wildlife, altering animal's behavior	$300
11 AAC 96.016(c)(16)	Unauthorized construction, development, widening, brushing, or creating road or trail	$100
11 AAC 96.016(c)(17)	Damage, deface, destroy, or remove public property	$300
11 AAC 96.016(c)(18)	Unauthorized use of a vehicle on or within 100 feet of Manmade Lake	$150
11 AAC 96.016(c)(19)	Unauthorized use of a motor vehicle on Jim Lake	$150
11 AAC 96.016(c)(20)	Failure to comply with shooting range regulations.	$150

(Adopted by SCO 1711 effective May 15, 2009; amended by SCO 1764 effective nunc pro tunc to July 1, 2011; SCO 1805 effective October 15, 2013; and by SCO 1920 effective April 16, 2018.)

Note: Chapter 20 SLA 2011 (HB 127), effective July 1, 2011, enacted changes relating to penalties for certain arson offenses. According to section 26 of the Act, the amendments to AS 41.23.220, made in section 23 of the Act, have the effect of changing Administrative Rule 43.10 by prohibiting the disposition of a violation of AS 11.46.420 without court appearance and forfeiture of bail amounts.

Rule 43.11. Weights and Measures Bail Forfeiture Schedule.

Pursuant to AS 45.75.133, the following offenses are appropriate for 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 convicted, the penalty imposed for the offense may not exceed the bail amount for that offense listed below.

Statute	Description of Offense	Bail
AS 45.75.380(a)(1)	Use of incorrect weight or measure	$250
AS 45.75.380(a)(2)	Use of unsealed weight or measure	$250
AS 45.75.380(a)(3)	Failure to dispose of rejected weight or measure	$100
AS 45.75.380(a)(4)	Removal of weights & measure seal or tag	$100
AS 45.75.380(a)(5)	Offers for sale short-weight/short-measure	$500
AS 45.75.380(a)(6)	Fraudulent buying with weight or measure	$500
AS 45.75.380(a)(7)	Commodity sales contrary to law or regulation	$500
AS 45.75.380(a)(8)	Failure to provide customer display	$100
AS 45.75.380(a)(9)	Obstruction of inspector	$500

(Adopted by SCO 1735 effective July 1, 2010; amended by SCO 1805 effective October 15, 2013)

Rule 43.12 Marijuana Bail Forfeiture Schedule.

Pursuant to AS 17.38.370, the following offenses may be disposed of 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 convicted, the penalty imposed for the offense may not exceed the bail amount for that offense listed below.

Statute or Regulation	Description of Offense	Bail
AS 17.38.030	Restrictions on personal cultivation	$750
AS 17.38.040	Public Consumption of marijuana	$100
AS 17.38.050	False Identification: person under 21 years of age misrepresenting the person as over 21 years of age.	$400

(Adopted by SCO 1888 effective August 1, 2016)

Rule 43.13. Wildland Fire Bail Forfeiture Schedule

Pursuant to AS 41.15.960 and 41.15.140(2), when committed without any culpable mental state, the following offenses may be disposed of 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 convicted, the penalty imposed for the offense may not exceed the bail amount for that offense listed below.

Statute	Description of Offense	Bail
AS 41.15.070	Discarding burning materials on forested land	300
AS 41.15.090(a)	Failure to clear ground of flammable materials before starting a fire	100
AS 41.15.090(b)	After starting a fire in or near forested land, failure to totally extinguish the fire	500
AS 41.15.100	Setting a fire on forested land without the consent of the owner or lawful occupant	250
11 AAC 95.412(a)	Failure to obtain burn permit	100

Statute	Description of Offense	Bail
11 AAC 95.412(b)(1) & (2)	Failure to possess/display permit at burn site	100
11 AAC 95.414	Failure to comply with small sale burn permit	100
11 AAC 95.416	Failure to comply with large scale burn permit	250
11 AAC 95.450(c)	Burning during emergency burn closure	500
11 AAC 95.470	Burning materials that produce black, obnoxious, or toxic smoke	250

(Adopted by SCO 1946 effective June 2, 2019)

Rule 44. Rulemaking.

(a) **Uniform Policy.** The supreme court shall make and promulgate rules governing administration of all courts, and practice and procedure in civil and criminal cases in all courts. The rules shall be uniform throughout the Alaska Court System.

(b) **Request for Rulemaking.** Any person may propose new rules or changes in present rules to the supreme court. Each proposal must:

(1) be in writing;

(2) include any language proposed for change;

(3) include the reason for the suggested rule or change; and

(4) be submitted to the court rules attorney at the Anchorage Office of the Administrative Director of Courts.

The court rules attorney shall review each proposal. If the proposal is unclear or in need of further documentation, the rules attorney shall contact the person submitting the proposal and seek clarification.

(c) **Major or Minor Change.** The rules attorney shall determine whether a proposal is a major or minor rule change. All proposals for new rules and all proposals affecting substantial rights of litigants are major. Minor rules changes are those which are technical in nature.

(d) **Minor Change.** The rules attorney shall submit a minor rules change proposal directly to the supreme court along with a summary of the proposal, any relevant background information, and proposed orders in both plain text and legislative form. The chief justice shall calendar a review of the proposal at an appropriate administrative conference. Following review, the supreme court may adopt or reject the proposal, refer it to a rules committee for review, or assign it to the rules attorney for further research or review.

(e) **Major Change.** The rules attorney shall refer major rules change proposals to the appropriate rules committee. The committee shall review the proposal, determine if a draft should be circulated to the bar or other interested persons for comment, and determine whether to support or oppose the change. If no circulation was made, the reason for this decision shall be conveyed to the supreme court when the rules proposal is referred to the court for consideration. The rules attorney shall prepare a summary of the proposal, the committee's recommendation, any other relevant background information, and proposed orders in both plain text and legislative form for the court's consideration. The chief justice shall calendar a review of proposals that a rules committee recommends at an appropriate administrative conference. Following review, the supreme court may adopt or reject the proposal in whole or in part, refer the proposal to the same or a different committee for further study, direct circulation for comment, or assign the proposal to the rules attorney for further research or review.

(f) **Public Information.** The following material in rule change files is public information and is available for review by members of the public upon request, unless otherwise ordered by the court:

(1) original rule change proposals;

(2) materials considered by the rules committees, including proposal drafts, memoranda submitted to or prepared by the committee, and correspondence;

(3) meeting minutes;

(4) rules committee summaries circulated to members of the Alaska Bar Association or other persons for comment, and any comments received;

(5) referral memoranda presented to the supreme court by the court rules attorney, along with any supporting materials and proposed orders; and

(6) final supreme court orders adopted in response to rule change proposals.

(g) **Standing Rules Committees.** The chief justice shall establish standing rules committees to review proposals for amendments to the Rules of Court, except that the administrative director shall review proposals to amend the Administrative Rules. All committees shall receive major rules change proposals from the rules attorney or the supreme court. In addition, the rules committees shall carry on a continuous study of the operation and effect of the rules of procedure and administration. The rules committees shall periodically recommend rules changes to the supreme court if the changes promote: 1) simplicity in procedure; 2) fairness in administration; 3) the just determination of litigation; and 4) the elimination of unjustifiable expense and delay.

(h) **Appointment.** The chief justice shall appoint members of the judiciary, Alaska Bar Association, and other qualified persons to serve on the rules committees. Nominees shall be considered from any source, but solicitation for nominee recommendations shall also be made to the board of governors of the state bar association and the statewide court clerks conference. Where possible, terms of the committee members will be staggered to preserve committee continuity.

The members of the committees shall serve without compensation. However, with prior approval, the members may be reimbursed for per diem and travel expenses incident to their duties as members of the committees.

(i) **Expedited Rule Action.** Whenever the supreme court determines that the immediate promulgation of a procedural or administrative rule is necessary, the court may take any action required by the circumstances. The court shall follow all of the requirements of this rule consistent with meeting the nature of the particular circumstances.

(j) **Effective Date.** The effective date for each rule change order shall be stated in the order. Normally, the effective date shall be the same as the publisher's distribution date, in order to provide adequate notice to those affected by the rule change. Where this is not practical, the effective date shall be set as determined by the supreme court. When this occurs, the supreme court shall determine what additional notice, if any, shall be provided to those affected by the rule change. Notice of the adopted rules changes shall be posted on the court system's website.

(Adopted by SCO 630 effective September 15, 1985; renumbered by SCO 656 effective September 15, 1985; amended by SCO 858 effective December 16, 1987; and by SCO 1624 effective April 16, 2007)

Rule 45. Concurrent Jurisdiction.

(a) **Mandatory Filing.** A civil action that falls within the concurrent jurisdiction of the superior court and the district court shall be filed in the district court (except for a petition for injunctive relief under AS 25.35.010 or 25.35.020).

(b) **Amount in Controversy.** The amount in controversy is first determined by reference to the plaintiff's complaint. Jurisdiction is established by the pleading of claims as they appear at the time of filing of the complaint or other claim. Claims must be pled in good faith. Interest due at the time of filing may be included in the claimed amount. Properly joined claims may be aggregated. When a compulsory counterclaim is filed in an action in excess of district court jurisdiction, the district court judge shall order referral of the case to the superior court. When a permissive counterclaim is filed in an action in excess of district court jurisdiction, the district court judge shall either order referral of the case to the superior court or order severance of the claim to be proceeded with separately.

(c) **Transfer by District Court.** When it appears from the pleadings that the amount claimed for recovery exceeds $100,000 exclusive of costs, post-filing interest, and attorney's fees, then the district court judge shall upon motion or the court's own motion refer the case to the superior court.

(d) **Transfer or Retention by Superior Court.** When it appears from the pleadings, filed documents, or any pretrial evidence taken in the case that the amount claimed for recovery does not exceed $100,000 exclusive of costs, post-filing interest, and attorney's fees, then upon motion or the court's own motion the superior court judge shall order transfer of the case to the district court or retain the case and sit as a district court judge pro tem. A specific assignment of the judge to the district court is not required under these circumstances.

(e) **Criminal Cases Unaffected.** Neither AS 22.10.020(a) nor the subsections of this rule apply to criminal cases.

(Adopted by SCO 659 effective March 15, 1986; amended by SCO 893 effective July 15, 1988; by SCO 1054 effective January 15, 1991; and by SCO 1573 effective nunc pro tunc to September 14, 2004)

Rule 46. Special Orders of the Supreme Court and Court of Appeals and Presiding Judge Orders.

(a) **Judicial Administrative Orders.** The chief justice of the supreme court shall have authority to make and promulgate administrative orders designated as Special Orders of the Chief Justice. The chief judge of the court of appeals shall have authority to make and promulgate administrative orders designated as Special Orders of the Court of Appeals. The presiding judge of a judicial district shall have authority to make and promulgate administrative orders designated as Presiding Judge Orders. No judicial administrative order may be issued except under the authority of this section.

(b) **Uniformity Required.** No order shall be promulgated that is inconsistent with the Alaska Statutes or the Alaska Rules of Court. The vesting of all rulemaking authority in the Alaska Supreme Court shall be recognized.

(c) **Definitions.**

(1) *Rules*. All (i) judicially imposed requirements (ii) indicating a mandatory course of action or nonaction (iii) not part of any case adjudication or statute, are rules.

(2) *Judicial Administrative Orders*. All (i) non-adjudicating directives or determinations (ii) effectuating administrative concerns (iii) made and promulgated under Administrative Rule 46, are judicial administrative orders. However, judicial administrative orders consisting solely of appointment or assignment of judicial officers and masters shall not be subject to the requirements of paragraphs (d) and (e) of this rule.

(3) *Local Form Orders*. All preprinted forms prepared by superior or district court judges and meant to be issued as orders in individual cases and proceedings.

(d) **Sanctions.** Violations of judicial administrative orders are not punishable under Civil Rule 95. Violators shall first be given actual notice of the order transgressed and provided with a reasonable opportunity to comply. Repeated knowing violations may be punished as contempt.

(e) **Adoption.**

(1) *Filing.* All judicial administrative orders shall be filed with the office of the administrative director and shall contain an effective date and where appropriate a termination date.

(2) *Review.* Within 30 days of filing, all orders shall be reviewed by the office of the administrative director to (i) ensure the statewide policy of uniform rules and practices has been preserved; and (ii) determine any fiscal impact of the order. Orders inconsistent with court system uniform rules or practices or having unusual fiscal impact shall be referred within the review period to the supreme court.

(3) *Supreme Court.* Judicial administrative orders or local form orders filed with the administrative director under subparagraph (1) are effective as provided by the order, except that the supreme court may disapprove or modify the orders.

(4) *Distribution.* All judicial administrative orders reviewed by the supreme court, the review order of the supreme court, and such other judicial administrative orders as are selected by the office of the administrative director, shall be sent to the chief justice, the chief judge, the administrative director, the presiding judges, the clerks of court, and the court system law libraries. The clerks of court and the law libraries shall maintain a judicial Administrative Order Book available for public inspection including all of the orders distributed under this subsection grouped according to the appropriate appellate court or judicial district heading.

(5) *Sunset Review.* The office of the administrative director shall annually conduct a review of all judicial administrative orders distributed under subsection (e)(4) for the purpose of recommending to the promulgating judicial office of the supreme court the termination of superannuated orders.

(f) **Local Form Orders.** The provisions of this rule except paragraph (d) apply to local form orders. Such orders will be approved by the Supreme Court if they are consistent with the Rules of Court such that the provisions of the order could be validly issued in an individual case.

(Adopted by SCO 663 effective March 15, 1986; amended by SCO 701 effective July 15, 1986; by SCO 702 effective July 15, 1986; by SCO 707 effective July 15, 1986; by SCO 738 effective August 14, 1986; by SCO 752 effective September 11, 1986; by SCO 764 effective October 30, 1986; and by SCO 786 effective December 15, 1986)

Rule 47. Contract Claims Against the Alaska Court System.

(a) **Claim Procedure Mandatory.**

(1) Every claim for reimbursement for money expended, or for compensation for labor, materials, or supplies furnished, or services provided to or for the Alaska Court System must be made pursuant to this rule in order to be compensable.

(2) The claim must include any request for damages, lost profits, lost interest, and any other expenses incurred as a result of the contractual relationship between the claimant and the Alaska Court System, as well as compensation as specified in subparagraph (a)(1). Attorneys fees are not compensable.

(3) Claims for wrongful rejection of a bid proposal or for an arbitrary and unreasonable cancellation of a bid solicitation must be brought under the Alaska Court System Procurement Guidelines rather than under this rule. Claims of Alaska Court System employees concerning their employment must be brought under the Alaska Court System Personnel Rules rather than under this rule.

(b) **Presentation of Claim to Deputy Administrative Director.** Every claim must be presented to the deputy administrative director of the Alaska Court System, 303 "K" Street, Anchorage, AK 99501, for approval and payment within six months after the money was expended, the labor, materials, or supplies were furnished, or the services were given to or for the Alaska Court System. This time limitation may be waived by the deputy administrative director for good cause.

(c) **Appeal of Disallowance by Deputy Administrative Director.**

(1) If a claim is disallowed by the deputy administrative director, the claimant may appeal the decision by delivering written notice of appeal to the administrative director of the Alaska Court System, 303 "K" Street, Anchorage, AK 9950l, within 60 days after the claimant receives written notice of disallowance.

(2) A notice of appeal under this paragraph need not follow a particular format. However, the notice must show an intent to have the decision to disallow the claim reviewed, must sufficiently identify the claim to permit review, and must be signed by the claimant.

(3) Upon receipt of a notice of appeal under this paragraph, the claim will be assigned to a hearing officer who is a member of the Alaska Bar Association not currently employed by the Alaska Court System.

(d) **Pre-Hearing Procedures.**

(1) Within 10 days of the assignment of a hearing officer, the deputy administrative director and the claimant shall transmit all relevant documents and memoranda relating to the claim to the hearing officer. The officer may require that additional documents be also submitted. Copies of all documents submitted to the hearing officer must be also submitted to the other party to the dispute.

(2) The hearing officer shall set a time and place for hearing the appeal upon receipt of the transmittal from the deputy administrative director. The hearing must be held within 60 days of receipt of these documents unless the parties agree to an extension. The hearing officer shall notify the parties of the hearing time and place at least 15 days before the hearing. Either party may request that the hearing date be rescheduled.

(3) Both parties must submit a hearing memorandum to the hearing officer at least five days before the hearing date.

The hearing memorandum must include a description of the factual background of the dispute, citations of law where appropriate, a statement of position of the party, and the remedy sought. A copy of the hearing memorandum must be submitted to the other party.

(e) **Hearing Procedure.**

(1) The hearing will be informal without application of the formal rules of evidence, but must be recorded. A party to the dispute may obtain a transcript of the proceeding at the party's own expense.

(2) Either party may be represented by an attorney at the hearing. The parties may testify, present documentary evidence or the testimony of witnesses, and cross-examine adverse witnesses. Testimony must be made under oath.

(f) **Decision.**

(1) The hearing officer shall make written recommendations to the administrative director within 30 days of the hearing. The recommendations must state the reasons for the officer's conclusions and be served on both parties.

(2) The administrative director shall issue a written decision either affirming, reversing, or modifying the deputy administrative director's decision within 10 days of the hearing officer's recommendations. The decision must be served on the claimant.

(3) The decision must include a statement that if the claimant does not accept the administrative director's decision, the claimant may obtain judicial review of the decision in accordance with AS 44.62.560–.570. If the decision requires the payments to be made by the Alaska Court System, payments will be made only after the claimant notifies the Alaska Court System in writing that the decision is accepted and the claim is satisfied, or after no action is brought on the claimant's claim within 30 days as provided by law.

(Adopted by SCO 772 effective November 15, 1986)

Rule 48. Telephonic Hearing Costs.

(a) The party convenienced by holding a hearing telephonically shall pay the telephone cost of the hearing. The court shall pay the telephone cost if the judge is able to avoid traveling to the hearing. The defendant shall pay the cost if the civil defendant, criminal defendant who is not in custody, defense attorney or defense witness is able to avoid traveling to the hearing. The plaintiff or prosecution shall pay the cost if the plaintiff, prosecutor, witness for the plaintiff or prosecution, or criminal defendant who is in custody is able to avoid traveling to the hearing. When a hearing is set telephonically at the request of or for the convenience of more than one party, the court may order one of those parties to pay the cost and order the other convenienced parties to compensate that party for a portion of the cost.

(b) The administrative director may, by administrative bulletin, exempt particular categories of hearings from subsection (a) above.

(Adopted by SCO 792 effective March 15, 1987; amended by SCO 1725 effective October 15, 2010)

ALASKA COURT SYSTEM
OFFICE OF THE ADMINISTRATIVE DIRECTOR
ADMINISTRATIVE BULLETIN NO. 79
(AMENDED July 22, 2016)

TO: ALL HOLDERS OF ADMINISTRATIVE BULLETIN SETS:

All Justices
All Judges
Area Court Administrators
Clerk of the Appellate Courts
Rural Court Training Assistants
All Full-Time Clerks of Court
All Magistrates
Senior Staff
Administrative Assistant
Court Analyst
Central Services Manager
Judicial Services
APD Warrants
Law Libraries at Anchorage, Fairbanks, Juneau & Ketchikan

SUBJECT: COSTS OF TELEPHONIC HEARINGS

In accordance with Administrative Rule 48(b), the following categories of hearings are exempt from subsection (a) of Administrative Rule 48:

(1) The court system will pay for telephonic hearing costs whenever a court uses the court system's contracted teleconference provider's conference system[1] to allow a party, witness, attorney, or other required participant to be present at a hearing by telephone.

(2) If the conference system is not available, the party convenienced by holding the hearing telephonically must pay the telephone costs, as provided in Administrative Rule 48(a), unless the court determines that assessing telephonic hearing costs to a party would unduly disrupt the conduct of a hearing.

The court is authorized to pay for these calls because the cost is anticipated to be minimal, or the convenience to the court outweighs the cost of the calls.

Dated: July 22, 2016

/s/ _____
Christine E. Johnson
Administrative Director

Amendments: October 1, 2010; August 11, 2014; July 22, 2016

[1]The court's current teleconference provider is Level 3 Conferencing, formerly known as Global Crossing Ready Access.

Rule 49. Municipal Citations.

Pursuant to the provisions of AS 12.25.210(a), the administrative director shall adopt by administrative bulletin a system to transfer from the court to Alaskan municipalities the responsibility for processing uncontested municipal citations for which a fine schedule has been established by municipal ordinance, effective January 1, 1988. The system may provide for the court to continue to process these citations in some court locations, the assessment of a processing fee in lieu of transfer of responsibility, and other transfer options as deemed appropriate by the director, based upon the director's assessment of the court's best interest after an evaluation of each particular circumstance.

(Adopted by SCO 859 effective January 1, 1988).

Cross References

CROSS REFERENCE: Administrative Bulletin No. 39 (Processing of Citations for Violations of Municipal Ordinances)

Rule 50. Use of Cameras and Electronic Devices in Court Facilities

(a) **General Provisions.** The following general provisions apply to use of cameras and electronic devices in court facilities.

(1) Intent. Court proceedings are presumed to be open to the public unless otherwise ordered by the court or provided by statute or court rule.

(2) Definitions. For the purpose of this rule, "cameras" and "electronic devices" are broadly defined. "Cameras" include but are not limited to film cameras, digital cameras, and video cameras. "Electronic devices" include but are not limited to cellular phones, laptop computers, and electronic tablets. The term "sketched" is broadly defined and includes drawings, portraits, and depictions whether done on paper, electronic device, or other medium. Any provision of this rule addressing photographing includes sketching.

(3) General Restrictions. The following restrictions apply to all court facilities:

(A) A victim of a sexual offense or a party in a protective order proceeding under AS 18.65.850 – 18.65.870 or under AS 18.66.100 – 18.66.990 may not be photographed, filmed, videotaped, sketched, or recorded, nor may the victim's or party's image or voice be broadcast, streamed, or posted on the internet, without the victim's or party's consent and court approval;

(B) A juror may not be photographed, filmed, videotaped, sketched, or recorded, nor may the juror's image or voice be broadcast, streamed, or posted on the internet, unless the juror is discharged from jury duty and the juror consents; and

(C) A minor may not be photographed, filmed, videotaped, sketched, or recorded, nor may the minor's image or voice be broadcast, streamed, or posted on the internet, unless the minor is being prosecuted as an adult in a criminal case.

(4) Administrative Director Authority. The administrative director may establish statewide procedures and standards by administrative bulletin.

(b) **In the Courtroom.**

(1) Prior Approval. No cameras or electronic devices may be used in the courtroom to film, photograph, record, transmit, stream, or broadcast sounds or images during court proceedings without prior approval of the judicial officer presiding over the proceedings or the clerk of the appellate courts. Permission may be requested by completing the court system's **Application for Photographing, Filming, Recording, or Streaming a Court Proceeding.** The application must be submitted sufficiently in advance for the judicial officer or the clerk of the appellate courts to review and decide the application prior to the beginning of the proceedings and not cause delay.

2) Restrictions on Courtroom Coverage. Any restrictions on courtroom coverage must be stated on the record or in writing, and must be reasonably related to subparagraphs (A) through (C), below, and narrowly drawn by the least restrictive means. The use of cameras and electronic devices in a courtroom is subject at all times to the authority of the judicial officer or the clerk of the appellate courts to ensure:

(A) decorum and prevent distractions;

(B) the fair administration of justice in the pending case and future proceedings;

(C) protection of the reasonable privacy interests of a minor or any other person; and

(D) the security of the court and all court users.

In addition to the restrictions in (a)(3), the judicial officer or clerk of the appellate courts may impose other restrictions, including but not limited to requiring that cellular phones and other electronic devices be turned off or placed in silent mode. The judicial officer or the clerk of the appellate courts may terminate coverage if warranted under the circumstances.

(3) Bench conferences may not be filmed, videotaped, recorded, broadcast, streamed, or posted on the internet.

(4) The confidential communications between counsel and client, between clients, or between counsel may not be filmed, videotaped, recorded, broadcast, streamed or posted on the internet; party or counsel notes may not be photographed, filmed, videotaped, sketched, recorded, broadcast, streamed, or posted on the internet.

(c) **Outside the Courtroom.** The use of cameras and electronic devices outside the courtroom in a court facility is subject at all times to the authority of the presiding judge, area court administrator, clerk of the appellate courts, judicial officer, or clerk of court to ensure:

(1) decorum and prevent distractions;

(2) the fair administration of justice;

(3) protection of the reasonable privacy interests of a minor or any other person; and

(4) the security of the court and all court users.

(d) **Local Procedure.** Consistent with (a) and (b) above, the presiding judge for each judicial district may establish by order procedures or restrictions regarding the use of cameras and electronic devices in court facilities within the district.

(e) **Reconsideration of Trial Court Denial of Request to Use Cameras and Electronic Devices.**

(1) A person or organization whose request for camera or electronic device use has been denied or restricted may ask in writing that the trial court reconsider its ruling. The reconsideration request may be made by the person, an organization through an officer or employee of the organization notwithstanding AS 22.20.040, or the person's or organization's attorney. The reconsideration request may be made in the form of a letter to the judicial officer. It must state the reasons why use of a camera or an electronic device should be allowed, and must be served on all parties to the case under Civil Rule 5. The parties may submit memoranda in response to the reconsideration request only if asked to do so by the judicial officer.

(2) If the reconsideration request is denied, the person or organization may petition for review under the Appellate Rules. AS 22.20.040 applies to any such petition for review.

(f) **Coverage of Oral Argument in the Supreme Court and Court of Appeals.**

(1) The court system may record for broadcast or posting on the internet all regularly scheduled oral arguments before the supreme court or the court of appeals.

(2) In domestic violence, child custody and visitation, paternity, or other similar family proceedings, including child in need of aid cases, in proceedings involving involuntary commitments or the involuntary administration of medications, in criminal cases involving a sexual offense, or in other cases where confidentiality is necessary,

(A) counsel or any self-represented party who is arguing the case shall use pseudonyms or initials to protect the privacy of the parties in civil cases, victims in criminal cases, and any affected minors; and

(B) any cameras and electronic devices shall be positioned to avoid capturing images of the parties in civil cases, victims in criminal cases, or minors unless the minor is being prosecuted as an adult in a criminal case.

(3) All requests to use cameras or electronic devices at supreme court or court of appeals oral arguments are subject to the provisions of subsections (a) and (b), and any restrictions specifically imposed by the court concerned.

(4) A person or organization whose request for camera or electronic device use has been denied or restricted may ask in writing for reconsideration. The reconsideration request may be made by the person, an organization through an officer or employee of the organization notwithstanding AS 22.20.040, or the person's or organization's attorney. The reconsideration request may be made in the form of a letter to the clerk of the appellate courts. It must state the reasons why use of a camera or an electronic device should be allowed, and must be served on all parties to the case under Civil Rule 5. The parties may submit memoranda in response to the reconsideration request only if asked to do so by the appellate court.

Note: Current Presiding Judges' orders, if any, on the use of cameras or electronic devices in court facilities are available on the court's website under court rules at: **http://www.courts.alaska.gov/jord/index.htm#trial**. Copies may also be obtained from the office of the court rules attorney at 820 West 4th Avenue, Anchorage, AK, 99501, (907) 264-8231. The administrative bulletin referred to in paragraph (a)(4) is Bulletin No. 45. It begins on the following page.

(Adopted by SCO 978 effective January 15, 1990; amended by SCO 1058 effective July 15, 1991; SCO 1367 effective September 2, 1999; rescinded and readopted by SCO 1942 effective April 15, 2019)

Note: The administrative bulletin referred to in subparagraph (e)(4) is Bulletin No. 45. It begins on the following page.

Administrative Bulletin No. 45

Rule 51. Title

These rules shall be known and cited as the "Rules Governing the Administration of All Courts."

(Adopted by SCO 412 effective July 1, 1980; renumbered from Rule 40 by SCO 1622 effective October 15, 2006)

Editor's Note: Former Administrative Rule 40 was renumbered as Administrative Rule 51, effective October 15, 2006.