

MINOR OFFENSES

HB Ordinance 15-06-413

Purpose of Minor Offense and Fine Schedule Ordinance

- Bring Haines into Compliance with New Court System Rules
 - 2013 Alaska Rules of Minor Offense Procedure (RMOP)
 - A uniform system for low level infractions
- Minor Offenses
 - Low level infractions
 - Don't rise to the level of a misdemeanor
 - E.g. Leash law violations, traffic tickets
- Can be contested just like traffic tickets by going to court. This ensures that individual rights are fully protected.

WHAT IS RECOMMENDED FOR CHANGE?

- Administrative enforcement issues become minor offenses
 - Example – Sign violations, nuisance violations such as excessive trash
- Minor Offenses are either:
 - Paid without being contested or
 - Heard by the magistrate
- All traffic violations are removed from Borough Code
 - They are incorporated by reference to state law
 - Citations still read that a Borough law has been violated

GOAL OF THE MINOR INFRACTIONS LAW

- Increase transparency and make it clear to everyone what items are listed as offenses within code
- “Facilitate enforcement through the court system of laws that are already on the books, not to outlaw activities that are currently legal. The ordinance is not intended to change the substance of borough code.” From Borough Attorney’s letter
- Eliminate ordinances that are redundant or unnecessary
- Align some penalties with state law
- Change some offenses that are currently misdemeanors to minor offenses
 - Example – Failure to obtain a business license is currently a misdemeanor

EXAMPLE – Mooring in Harbor Without Payment

HBC Code 16.16.190

- Currently

- 1st Violation \$ 50
- 2nd Violation \$100
- 3rd Violation \$150

- Harbormaster advises owner
- No compliance – Letter written with invoice.
- Finance follows up with added penalties and interest
- Possible Small Claims Court

- Proposed

- Each Violation \$100

- Harbormaster advises owner
- No compliance – Ticket written
 - Ticket has court date owner can pay it or protest to the magistrate
- Owner could protest magistrate's ruling to superior court, etc.

SOME CONCERNS THAT MAY NEED TO BE ADDRESSED

- Addressing additional redundant or “unnecessary” laws
 - Recommend identifying items of concerns and tasking the GASC to review each law, solicit public input, and make a recommendation to the Assembly
- Training or certification of those writing citations
 - Can be addressed within code or through policy