

Introduced by: City Manager Williams
Introduction Date: July 10, 2018
Public Hearing: July 24, 2018
Action: Passed
Vote: 6-0

Ordinance #18-17

AN ORDINANCE AMENDING SECTION 9.01 OF THE BETHEL MUNICIPAL CODE, MINOR OFFENSES ADOPTED

WHEREAS in 2014, the City of Bethel adopted all minor offenses in the State of Alaska as they currently existed, may be revised in the future or may later be adopted;

WHEREAS the ordinance exempted one specific minor offense – Minor Consuming Alcohol (MCA);

WHEREAS the rationale for exempting MCA's was that while a minor offense, the Alaska Supreme Court had ruled the minors were entitled to a public defender in those cases due to the potential for jail time and the loss of their drivers licenses;

WHEREAS while the City found the protection of minor's to be extremely important, the City lacked the resources to pay the high cost associated with paying for a public defender and all the associated costs that come with that representation;

WHEREAS the offense of Minor Consuming Alcohol was recently amended by the legislature to return it to a regular minor offense with no possibility of jail time or the loss of a driver's license;

WHEREAS as a result of the recent amendment to the law, minors are no longer entitled to representation by a public defender and by extension the City would no longer be subject to the high costs associated with prosecuting these types of cases;

WHEREAS without the cost deterrent the City is free to treat this type of Minor Offense as it does all others;

WHEREAS the result being that the City would be the ones prosecuting the Minor Offenses and providing representation instead of the District Attorney's Office;

WHEREAS now that these offenses have the criminal aspect removed, the City can focus on getting help and assistance to youth at an early stage in the hopes of preventing issues with alcohol as they reach adulthood;

NOW, BE IT ORDAINED, the City Council amends the Bethel Municipal Code, Section 9.01, Minor Offenses Adopted.

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SECTION 1. Classification. This is a Codified Ordinance and shall become part of the Bethel Municipal Code.

SECTION 2. Amendments. Bethel Municipal Code Chapter 9.01 Minor Offenses Adopted, is amended as follows (old language is stricken, new language is underlined):

9.01.010 Minor offenses adopted

- A. The City adopts statutes and regulations of the State of Alaska relating to minor offenses, ~~except for minor consuming alcohol offenses,~~ as they presently exist and as they may be revised in the future along with the fine schedule existing at the time and as it may be revised in the future.
- B. The City adopts the enforcement and processing mechanisms set out in Bethel Municipal Code Chapter 10.

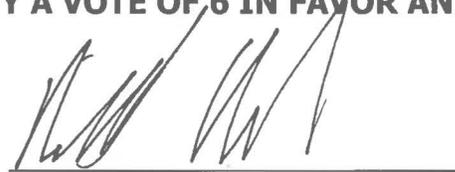
SECTION 3. Effective Date. This ordinance shall become effective upon passage by the Bethel City Council.

ENACTED THIS 24th DAY OF JULY 2018, BY A VOTE OF 6 IN FAVOR AND 0 OPPOSED.

ATTEST:



Lori Strickler, City Clerk



Richard Robb, Mayor