

Presented by: The Manager
Introduced: 05/18/2026
Drafted by: Law Department

ORDINANCE OF THE CITY AND BOROUGH OF JUNEAU, ALASKA

Serial No. 2026-23

An Ordinance Amending Title 42 Penal Code Relating to the Offense of Failure to Appear.

BE IT ENACTED BY THE ASSEMBLY OF THE CITY AND BOROUGH OF JUNEAU, ALASKA:

Section 1. Classification. This ordinance is of a general and permanent nature and shall become a part of the City and Borough of Juneau Municipal Code.

Section 2. Amendment of Chapter. Chapter 42.05, General Provisions, is amended to add a new section to read:

Chapter 42.05 GENERAL PROVISIONS

42.05.115 Failure to appear.

- (a) A person commits the crime of failure to appear if the person:
 - (1) Is released under the provisions of AS 12.30;
 - (2) Knows that the person is required to appear before a court or judicial officer at the time and place of a scheduled hearing; and
 - (3) With criminal negligence does not appear before the court or judicial officer at the time and place of the scheduled hearing.
- (b) In a prosecution for failure to appear under (a) of this section, it is an affirmative defense that unforeseeable circumstances, outside the person's control, prevented the person from appearing before the court or judicial officer at the time and place of the scheduled hearing,

and the person contacted the court orally and in writing immediately upon being able to make the contact.

- (c) A person who commits failure to appear incurs a forfeiture of any security for any appearance of the person that was given or pledged to the court for the person's release.
- (d) In a prosecution for failure to appear under (a) of this section, it is not a defense that the defendant did not receive a reminder notification from a court or judicial officer under Rule 38(e), Alaska Rules of Criminal Procedure.
- (e) Failure to appear is a Class B misdemeanor.

State Law reference – Failure to Appear, AS 11.56.730.

Section 3. Amendment of Section. CBJC 03.30.050, Failure to appear, is amended to read:

03.30.050 Failure to appear. Reserved.

- ~~(a) A person commits the crime of failure to appear if the person:~~
 - ~~(1) Is released under the provisions of AS 12.30;~~
 - ~~(2) Knows that the person is required to appear before a court or judicial officer at the time and place of a scheduled hearing; and~~
 - ~~(3) With criminal negligence does not appear before the court or judicial officer at the time and place of the scheduled hearing.~~
- ~~(b) In a prosecution for failure to appear under (a) of this section, it is an affirmative defense that unforeseeable circumstances, outside the person's control, prevented the person from appearing before the court or judicial officer at the time and place of the scheduled hearing, and the person contacted the court orally and in writing immediately upon being able to make the contact.~~

- ~~(c) — A person who commits failure to appear incurs a forfeiture of any security for any appearance of the person that was given or pledged to the court for the person's release.~~
- ~~(d) — Failure to appear is a Class A misdemeanor if the person was released in connection with a~~
- ~~(1) — Charge of a misdemeanor, while awaiting sentence or appeal after conviction of a misdemeanor; or~~
- ~~(2) — Requirement to appear as a material witness in a criminal proceeding.~~
- ~~(e) — In a prosecution for failure to appear under (a) of this section, it is not a defense that the defendant did not receive a reminder notification from a court or judicial officer under Rule 38(c), Alaska Rules of Criminal Procedure.~~

Section 4. Effective Date. This ordinance shall be effective 30 days after its adoption.

Adopted this 27 day of July, 2026.



Beth A. Weldon, Mayor

Attest:



Breckan L. Hendricks, Municipal Clerk