

**CS FOR SENATE BILL NO. 100(FIN)**

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-FIRST LEGISLATURE - FIRST SESSION

BY THE SENATE FINANCE COMMITTEE

Offered: 4/1/99  
Referred: Rules

Sponsor(s): SENATE JUDICIARY COMMITTEE BY REQUEST

**A BILL**

**FOR AN ACT ENTITLED**

1 "An Act relating to the payment by indigent persons for legal services and  
2 related costs."

3 **BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:**

4 \* **Section 1.** AS 18.85.100(a) is amended to read:

5 (a) An indigent person who is under formal charge of having committed a  
6 serious crime and the crime has been the subject of an initial appearance or subsequent  
7 proceeding, or is being detained under a conviction of a serious crime, or is on  
8 probation or parole, or is entitled to representation under the Supreme Court  
9 Delinquency or Child in Need of Aid Rules, or is detained under an order issued under  
10 AS 18.15.120 - 18.15.149, or against whom commitment proceedings for mental illness  
11 have been initiated, is entitled (1) to be represented, in connection with the crime or  
12 proceeding, at the level and to the extent required under the United States  
13 Constitution and the Constitution of the State of Alaska [BY AN ATTORNEY TO  
14 THE SAME EXTENT AS A PERSON RETAINING AN ATTORNEY IS

1 ENTITLED;] and (2) to be provided with the necessary services and facilities of this  
 2 representation, including investigation and other preparation, at the level and to the  
 3 extent required under the United States Constitution and the Constitution of the  
 4 State of Alaska.

5 \* **Sec. 2.** AS 18.85.120(c) is amended to read:

6 (c) **The** [UPON THE PERSON'S CONVICTION, THE] court **shall** [MAY]  
 7 enter a judgment that a person for whom counsel is appointed pay for services of  
 8 representation and court costs. [ENFORCEMENT OF A JUDGMENT UNDER THIS  
 9 SUBSECTION MAY BE STAYED BY THE TRIAL COURT OR THE APPELLATE  
 10 COURT DURING THE PENDENCY OF AN APPEAL OF THE PERSON'S  
 11 CONVICTION.] Upon a showing of financial hardship, the court (1) **may** [SHALL]  
 12 allow a person subject to a judgment entered under this subsection to make payments  
 13 under a payment schedule; **and** (2) **may** [SHALL] allow a person subject to a  
 14 judgment entered under this subsection to petition the court at any time for remission,  
 15 reduction, or deferral of **only** the unpaid portion of the judgment [; AND (3) MAY  
 16 REMIT OR REDUCE THE BALANCE OWING ON THE JUDGMENT OR  
 17 CHANGE THE METHOD OF PAYMENT IF THE PAYMENT WOULD IMPOSE  
 18 MANIFEST HARDSHIP ON THE PERSON OR THE PERSON'S IMMEDIATE  
 19 FAMILY]. Payments made under this subsection shall be paid into the state general  
 20 fund.

21 \* **Sec. 3.** AS 18.85.120 is amended by adding a new subsection to read:

22 (e) Judgments entered under (c) of this section shall be imposed in accordance  
 23 with rules adopted by the supreme court, in consultation with the Public Defender  
 24 Agency and the office of public advocacy, that establish schedules setting the costs for  
 25 the services of representation and court costs for trial and appellate courts. The  
 26 schedules shall be reviewed at least biennially and, when appropriate, adjusted to  
 27 reflect changes in the costs for services of representation and court costs. A trial court  
 28 schedule must include provisions to impose additional costs in cases where paid expert  
 29 witnesses are called on behalf of the defendant.