

**HOUSE CS FOR CS FOR SENATE BILL NO. 100(JUD)**

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-FIRST LEGISLATURE - FIRST SESSION

BY THE HOUSE JUDICIARY COMMITTEE

Offered: 5/17/99

Referred: Finance

Sponsor(s): SENATE JUDICIARY COMMITTEE BY REQUEST

**A BILL**

**FOR AN ACT ENTITLED**

1 "An Act relating to services of representation for indigent persons and to the  
2 payment by indigent persons for legal services and 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 Alaska [SUPREME  
9 COURT] Delinquency or Child in Need of Aid Rules, or is detained under an order  
10 issued under AS 18.15.120 - 18.15.149, or against whom commitment proceedings for  
11 mental illness have been initiated, is entitled (1) to be represented, in connection with  
12 the crime or proceeding, **at the level and to the extent required under the United**  
13 **States Constitution and the Constitution of the State of Alaska** [BY AN  
14 ATTORNEY TO THE SAME EXTENT AS A PERSON RETAINING AN

1 ATTORNEY IS ENTITLED;] and (2) to be provided with the necessary services and  
 2 facilities of this representation, including investigation and other preparation, **at the**  
 3 **level and to the extent required under the United States Constitution and the**  
 4 **Constitution of the 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 may enter a  
 7 judgment that a person for whom counsel is appointed pay for services of  
 8 representation and court costs **in a criminal proceeding or in a proceeding under the**  
 9 **Alaska Delinquency Rules.** [ENFORCEMENT OF A JUDGMENT UNDER THIS  
 10 SUBSECTION MAY BE STAYED BY THE TRIAL COURT OR THE APPELLATE  
 11 COURT DURING THE PENDENCY OF AN APPEAL OF THE PERSON'S  
 12 CONVICTION.] Upon a showing of financial hardship, the court (1) shall allow a  
 13 person subject to a judgment entered under this subsection to make payments under  
 14 a payment schedule; **and** (2) shall allow a person subject to a judgment entered under  
 15 this subsection to petition the court at any time for remission, reduction, or deferral of  
 16 **only** the unpaid portion of the judgment [; AND (3) MAY REMIT OR REDUCE THE  
 17 BALANCE OWING ON THE JUDGMENT OR CHANGE THE METHOD OF  
 18 PAYMENT IF THE PAYMENT WOULD IMPOSE MANIFEST HARDSHIP ON  
 19 THE PERSON OR THE PERSON'S IMMEDIATE FAMILY]. Payments made under  
 20 this subsection shall be paid into the state general 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.

30 \* **Sec. 4.** AS 47.12.120(e) is amended to read:

31 (e) **Except to the extent that court costs are actually paid by a person**

1 against whom a judgment for court costs has been entered under AS 12.85.120,  
2 the [THE] department shall pay all court costs incurred in all proceedings in  
3 connection with the adjudication of delinquency under this chapter, including hearings  
4 that result in the release of the minor.