

CS FOR SENATE BILL NO. 100(JUD)

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-FIRST LEGISLATURE - FIRST SESSION

BY THE SENATE JUDICIARY COMMITTEE

Offered: 3/18/99
Referred: Finance

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.