

Introduced: 2/1/67
Referred: Judiciary
and Finance

IN THE HOUSE

BY MILLER, ANDERSON,
BRADNER AND OREBECK

HOUSE BILL NO. 92

IN THE LEGISLATURE OF THE STATE OF ALASKA

FIFTH LEGISLATURE - FIRST SESSION

A BILL

For an Act entitled: "An Act creating a public defender agency."

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

* Section 1. AS 18 is amended by adding a new chapter to read:

CHAPTER 95. PUBLIC DEFENDER AGENCY.

Sec. 18.95.010. PUBLIC DEFENDER AGENCY ESTABLISHED. There is created in the Office of the Governor a public defender agency.

Sec. 18.95.020. DIRECTOR. The agency is administered by the director of the public defender agency who is appointed by and serves at the pleasure of the governor.

Sec. 18.95.030. APPOINTMENT OF PUBLIC DEFENDERS. There shall be a public defender in each judicial district of the state. The director shall appoint a public defender in each judicial district and the public defender shall serve at the pleasure of the director. A public defender shall be a qualified attorney licensed to practice in this state.

Sec. 18.95.040. DUTIES AND POWERS. (a) The public defender shall represent, without charge, each indigent person who is under arrest or charged with a felony or with a misdemeanor where conviction may result in serious punishment, if

(1) the defendant requests it; or

(2) the court, on its own motion or otherwise, so orders and the defendant does not affirmatively reject of record the opportunity to be so represented.

(b) Before arraignment the determination of indigency may be

1 made by the public defender. At or after arraignment the determination
2 shall be made by the court.

3 (c) When representing an indigent person, the public defender
4 shall

5 (1) counsel and defend him, whether he is held in custody
6 without commitment or charged with a criminal offense, at every stage
7 of the proceedings following arrest;

8 (2) prosecute appeals or other remedies before or after
9 conviction he considers to be in the interest of justice.

10 Sec. 18.95.050. ASSISTANTS. The public defender may appoint as
11 many assistant public defenders, clerks, investigators, stenographers,
12 and other employees as the director considers necessary to enable him
13 to carry out his responsibilities. An assistant public defender must
14 be a qualified attorney licensed to practice in this state. The com-
15 pensation of persons appointed in this section shall be fixed by the
16 director.

17 Sec. 18.95.060. APPOINTMENT OF ONE OTHER THAN PUBLIC DEFENDER.
18 For cause, the court may, on its own motion or upon the application
19 of the public defender or the indigent person, appoint an attorney
20 other than the public defender to represent him at any state of the
21 proceedings or on appeal. The attorney shall be awarded reasonable
22 compensation and reimbursement for expenses necessarily incurred, to
23 be fixed by the court and paid by the state as provided in rule 39 of
24 the Rules of Criminal Procedure.

25 Sec. 18.95.070. ANNUAL REPORT. The director shall make an annual
26 report to the governor covering all cases handled by the public defender
27 agency during the preceding year.

28 Sec. 18.95.080. DEFINITIONS. In this chapter

29 (1) "agency" means the public defender agency;

1 (2) "director" means the director of the public defender
2 agency.

3 Sec. 18.95.090. SHORT TITLE. This chapter may be cited as the
4 Alaska Public Defender Act.
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