

Introduced: 3/12/74  
Referred: Rules

1 IN THE HOUSE

BY THE JUDICIARY COMMITTEE

2 HOUSE BILL NO. 777 *ams*

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 EIGHTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act relating to indigent defendants."

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

8 \* Section 1. AS 18.85.100(b) is amended to read:

9 (b) The attorney services and facilities and the court costs shall  
10 be provided at public expense to the extent that the person, at the  
11 time the [AGENCY OR] court determines indigency, is unable to provide  
12 for payment without undue hardship.

13 \* Sec. 2. AS 18.85.120(d) is amended to read:

14 (d) As a condition of receiving services under this chapter, a  
15 person shall execute a general waiver authorizing the release to the  
16 court [PUBLIC DEFENDER] of income information regarding any income  
17 source the person has had for a period of three years immediately  
18 preceding his first court appearance in connection with each cause  
19 [AND FOR A PERIOD IN THE FUTURE OF NOT LESS THAN THREE YEARS AFTER THE  
20 LAST DATE AID IS RENDERED UNDER THIS CHAPTER]. At the conclusion of  
21 all services by the public defender to the person, the court [PUBLIC  
22 DEFENDER] shall upon request release to the attorney general all  
23 information received under this subsection except information that  
24 might incriminate or tend to incriminate the person.

25 \* Sec. 3. AS 18.85.130(a) is amended to read:

26 (a) For cause, the court may, on its own motion or upon the  
27 application of the public defender, appoint an attorney other than the  
28 public defender to represent the indigent person at any stage of the  
29 proceedings or on appeal. The attorney shall be awarded reasonable

1 compensation according to a schedule of fees promulgated by the supreme  
2 court [BASED UPON THE STANDARD MINIMUM BAR FEES FOR THE AREA IN WHICH HE  
3 REGULARLY PRACTICES LAW] and reimbursement for expenses necessarily  
4 incurred. This shall be paid by the court system [AGENCY].

5 (1) In addition to substitution under (a) of this section,  
6 when the public interest requires, and a person is entitled to represen-  
7 tation by the agency under this chapter, the public defender may contract  
8 with one or more private attorneys to assist him. The public defender  
9 shall pay for these services out of appropriations to the agency.

10 \* Sec. 4. AS 18.85.150(a) is amended to read:

11 (a) A person who has received assistance under this chapter shall  
12 pay the state for the assistance if

13 [(1)] he was not entitled to it at the time indigency was  
14 determined [; OR

15 (2) WITHIN THREE YEARS AFTER THE CONCLUSION OF THE PROCEEDING  
16 FOR WHICH HE RECEIVED THE ASSISTANCE HE IS FINANCIALLY ABLE TO DO SO  
17 ACCORDING TO THE STANDARD OF ABILITY TO PAY APPLICABLE UNDER THIS  
18 CHAPTER].

19 \* Sec. 5. AS 18.85.150(c) is repealed.  
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