

1 IN THE HOUSE

BY THE JUDICIARY COMMITTEE

2 HOUSE BILL NO. 777

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  
10 shall be provided at public expense to the extent that the person, at  
11 the time the [AGENCY OR] court determines indigency, is unable to  
12 provide 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 affirm his indigency under oath to the court and execute  
16 a general waiver authorizing the release to the court [PUBLIC DEFENDER]  
17 of income information regarding any income source the person has had  
18 for a period of three years immediately preceding his first court  
19 appearance in connection with each cause [AND FOR A PERIOD IN THE  
20 FUTURE OF NOT LESS THAN THREE YEARS AFTER THE LAST DATE AID IS RENDERED  
21 UNDER THIS CHAPTER]. At the conclusion of all services by the public  
22 defender to the person, the court [PUBLIC DEFENDER] shall upon request  
23 release to the attorney general all information received under this  
24 subsection except information that might incriminate or tend to  
25 incriminate the person.

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

27 (a) for cause, the court may, on its own motion or upon the  
28 application of the public defender, appoint an attorney other than the  
29 public defender to represent the indigent person at any stage of the

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

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

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

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

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

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 AS 18.85.150(c) is repealed.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