

Introduced: 3/27/74
Referred: Judiciary

BY THE JUDICIARY COMMITTEE
BY REQUEST

1 IN THE HOUSE

2 HOUSE BILL NO. 821

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 public prosecutors and defenders."

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

8 * Section 1. AS 44.23 is amended by adding new sections to read:

9 Sec. 44.23.055. DIVISION OF PROSECUTING ATTORNEYS. There is a
10 division of prosecuting attorneys in the Department of Law. The divi-
11 sion is composed of the offices of the four district prosecutors.

12 Sec. 44.23.057. DISTRICT PROSECUTORS. (a) There is a district
13 prosecutor for each judicial district in the state. The governor shall
14 appoint each district prosecutor from among two or more persons nomi-
15 nated for that position by the judicial council. Each district prose-
16 cutor is subject to approval or rejection as provided in AS 15.35.012 -
17 15.35.016. If a majority of those voting on the question rejects his
18 candidacy, he shall not for a period of four years be again appointed as
19 a district prosecutor.

20 (b) If a position of district prosecutor becomes vacant for any
21 reason, the governor may appoint an acting district prosecutor to serve
22 until regular appointment procedures under (a) of this section are
23 complied with. The governor and the judicial council shall act under
24 (a) of this section as soon as possible after the vacancy occurs and
25 the person so appointed begins a new term.

26 (c) District prosecutors may employ staff and employees as neces-
27 sary.

28 (d) District prosecutors submit their budget requests through the
29 department, but may appear before legislative finance committees in

1 support of their own budget.

2 (e) A district prosecutor receives the pay established for
3 superior court judges.

4 * Sec. 2. AS 15.35 is amended by adding new sections to read:

5 Sec. 15.35.012. APPROVAL OR REJECTION OF DISTRICT PROSECUTORS
6 AND PUBLIC DEFENDER. (a) Each district prosecutor and the public
7 defender shall be subject to approval or rejection at the first general
8 election held more than two years after appointment under the pro-
9 visions of AS 18.85.030 or AS 44.23.057. If approved, he shall there-
10 after be subject to approval or rejection in a like manner every fourth
11 year.

12 (b) The district prosecutor shall seek approval in the judicial
13 district in which he has served the major portion of his term.

14 Sec. 15.35.014. FILING DECLARATION BY DISTRICT PROSECUTOR OR
15 PUBLIC DEFENDER. Each district prosecutor or the public defender
16 seeking to succeed himself to office shall file with the lieutenant
17 governor a declaration of candidacy not less than 90 days before the
18 date fixed for the general election at which approval or rejection is
19 requisite, and shall pay to the lieutenant governor a filing fee of
20 \$30.

21 Sec. 15.35.016. PLACING NAME OF DISTRICT PROSECUTORS AND PUBLIC
22 DEFENDER ON BALLOT. (a) The lieutenant governor shall place the name
23 of a district prosecutor who has properly filed a declaration of candi-
24 dacy on the ballot in the judicial district designated in his declara-
25 tion of candidacy for the general election at which approval is sought.

26 (b) The lieutenant governor shall place the name of a public
27 defender who has properly filed a declaration of candidacy on the ballot
28 in each judicial district of the state for the general election at
29 which approval is sought.

1 * Sec. 3. AS 18.85.030 is amended to read:

2 Sec. 18.85.030. APPOINTMENT AND COMPENSATION [TERM]. (a) The
3 governor shall appoint the public defender from among two or more
4 persons nominated for that position by the judicial council. The
5 appointment is subject to approval or rejection as provided in AS 15.-
6 35.012 - 15.35.016. If a majority of those voting on the question
7 rejects his candidacy, he shall not for a period of four years be
8 again appointed as public defender [CONFIRMATION BY A MAJORITY OF THE
9 MEMBERS OF THE LEGISLATURE IN JOINT SESSION. THE PUBLIC DEFENDER SHALL
10 SERVE A TERM OF FOUR YEARS. IF THE GOVERNOR DECIDES TO RETAIN THE
11 PUBLIC DEFENDER FOR ANOTHER TERM HE NEED NOT CALL FOR NOMINATIONS FROM
12 THE JUDICIAL COUNCIL; HOWEVER, THE RETENTION MUST BE APPROVED BY A
13 MAJORITY OF THE MEMBERS OF THE LEGISLATURE IN JOINT SESSION].

14 (b) The public defender shall be compensated at the level pro-
15 vided for a superior court judge.

16 * Sec. 4. AS 18.85.050 is amended to read:

17 Sec. 18.85.050. VACANCY. If the position of public defender
18 should become vacant for any reason, the governor may appoint an acting
19 public defender to serve until the regular appointment procedures under
20 sec. 30 of this chapter are complied with. The governor and the
21 judicial council shall act under sec. 30 of this chapter as soon as
22 possible after the vacancy occurs. A person appointed under that
23 section to fill a vacancy begins a new [FOUR-YEAR] term.

24 * Sec. 5. AS 18.85.020 is amended to read:

25 Sec. 18.85.020. ADMINISTRATION. The agency is administered by
26 the public defender. The budget request for the agency is submitted
27 through the Office of the Governor, but the public defender may appear
28 before legislative finance committees in support of his own budget.

29 * Sec. 6. AS 18.85.040 is repealed.