

Introduced: 3/8/74
Referred: Judiciary

1 IN THE SENATE

BY THE JUCICIARY COMMITTEE

2 SENATE BILL NO. 468

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 affirm his indigency under oath to the court and execute a
16 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 in-
25 criminate 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 HE
4 REGULARLY PRACTICES LAW] and reimbursement for expenses necessarily
5 incurred. This shall be paid by the court system [AGENCY].

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

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

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

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

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

20 * Sec. 5. AS 18.85.150(c) is repealed.
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