

Introduced: 2/26/81
Referred: Judiciary and
Finance

1 IN THE HOUSE

BY RANDOLPH, BEIRNE, BETTISWORTH,
FANNING AND METCALFE

2 HOUSE BILL NO. 232

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 TWELFTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act providing for an award of costs and attorney
7 fees to a defendant acquitted of an offense against
8 the state."

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

10 * Section 1. AS 12.45 is amended by adding a new section to read:

11 Sec. 12.45.145. ACQUITTED DEFENDANT ENTITLED TO COSTS AND ATTORNEY
12 FEES. (a) If a judgment of acquittal is entered in favor of a de-
13 fendant charged with committing an offense under state law, the de-
14 fendant is entitled to recover from the state his actual costs in
15 defending the action, including actual attorney fees, so long as the
16 amount is not unreasonable. The court shall enter on the record the
17 amount of costs awarded to an acquitted defendant.

18 (b) If a defendant is charged in the same action with more than
19 one offense, he is not entitled to an award under this section if a
20 judgment of guilty is entered against him on any offense or lesser
21 included offense in that action.

22 (c) The state or the defendant may appeal the amount of an award
23 under this section.

24 (d) An award under this section shall include the actual costs of
25 the defendant, including actual attorney fees, incurred in every trial,
26 appeal, or other proceeding held in the same action, except an appeal
27 of the amount of an award under this section in which the defendant
28 does not prevail.

29 (e) This section does not apply to a defendant represented by

1 counsel at public expense.

2 * Sec. 2. This Act applies only to actions commenced on or after the
3 effective date of this Act.

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