

Introduced: 6/5/81  
Referred: Judiciary and  
Finance

1 IN THE HOUSE

BY BEIRNE

2 HOUSE BILL NO. 605

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 the award of costs and attorney  
7 fees incurred by defendants acquitted of offenses and  
8 by individuals who prevail in certain state administra-  
9 tive proceedings."

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

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

12 Sec. 12.45.145. ACQUITTED DEFENDANT ENTITLED TO COSTS AND ATTORNEY  
13 FEES. (a) If a judgment of acquittal is entered in favor of a defen-  
14 dant charged with committing an offense under state law, the defendant  
15 is entitled to recover from the state his actual costs in defending the  
16 action, including actual attorney fees. The court shall enter on the  
17 record the 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) An award under this section shall include the actual costs of  
23 the defendant, including actual attorney fees, incurred in every trial,  
24 appeal, or other proceeding held in the same action.

25 (d) This section does not apply to a defendant represented by  
26 counsel at public expense.

27 \* Sec. 2. AS 09.50 is amended by adding a new section to read:

28 ARTICLE 7. COSTS AND ATTORNEY FEES IN ADMINISTRATIVE PROCEEDINGS.

29 Sec. 09.50.410. AWARD OF COSTS AND ATTORNEY FEES TO RESPONDENT IN

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ADMINISTRATIVE PROCEEDING. (a) If an administrative proceeding is commenced by a state agency against a person to impose a civil penalty or to revoke, suspend, limit, or condition a right, authority, license, or privilege and the proceedings terminate without the imposition of a civil penalty or the revocation, suspension, limitation, or conditioning of a right, authority, license, or privilege, the respondent in the proceeding is entitled to recover from the state his actual costs of defense, including actual attorney fees.

(b) An award under this section shall include the actual costs of the respondent, including actual attorney fees, incurred in every proceeding held on the same matter.

(c) In this section "state agency" means a department, office, agency or other instrumentality of the state.

\* Sec. 3. This Act applies only to actions in which a judgment of acquittal is entered, or to administrative proceedings which are terminated on or after the effective date of this Act.