

1 IN THE SENATE

BY HOHMAN

2 SENATE BILL NO. 566

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
13 defendant 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. The court shall
16 enter on the record the amount of costs awarded to an acquitted
17 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. This Act applies only to actions in which a judgment of
28 acquittal is entered on or after the effective date of this Act.

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