

Introduced: 4/6/83
Referred: Judiciary
and Finance

1 IN THE HOUSE

BY PESTINGER

2

HOUSE BILL NO. 327

3

IN THE LEGISLATURE OF THE STATE OF ALASKA

4

THIRTEENTH LEGISLATURE - FIRST SESSION

5

A BILL

6 For an Act entitled: "An Act relating to the payment of attorney services
7 and expenses for indigent criminal defendants pros-
8 ecuted by municipalities; and providing for an effec-
9 tive date."

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

11 * Section 1. AS 18.85.100(b) is amended to read:

12 (b) Subject to the provisions of AS 18.85.155, the [THE] attor-
13 ney services and facilities and the court costs shall be provided at
14 public expense to the extent that the person, at the time the court
15 determines indigency, is unable to provide for payment without undue
16 hardship. Appointment of any guardian ad litem or attorney shall be
17 made under the terms of AS 09.65.130, to the extent that that section
18 is not inconsistent with the requirements of this chapter.

19 * Sec. 2. AS 18.85.130 is amended to read:

20 Sec. 18.85.130. SUBSTITUTE DEFENDER. (a) For cause, the court
21 may, on its own motion or upon the application of the public defender,
22 appoint an attorney other than the public defender to represent the
23 indigent person at any stage of the proceedings or on appeal. The
24 attorney shall be awarded reasonable compensation according to a
25 schedule of fees promulgated by the supreme court and reimbursement
26 for expenses necessarily incurred. Except as provided in AS 18.85.-
27 155, this [THIS] shall be paid by the court system.

28 (b) In addition to substitution under (a) of this section, when
29 the public interest requires, and a person is entitled to

1 representation by the agency under this chapter, the public defender
2 may contract with one or more private attorneys for assistance [TO
3 ASSIST HIM]. Except as provided in AS 18.85.155, the [THE] public
4 defender shall pay for these services out of appropriations to the
5 agency.

6 * Sec. 3. AS 18.85 is amended by adding a new section to read:

7 Sec. 18.85.155. PAYMENT BY MUNICIPALITY. A municipality that
8 prosecutes an indigent person for violation of a municipal ordinance
9 that is a serious crime shall pay for the services and expenses of a
10 defense attorney appointed under this chapter without regard to wheth-
11 er the defense attorney is appointed by the municipality, the agency,
12 or the court.

13 * Sec. 4. This Act takes effect July 1, 1983.