

Offered: 4/13/84
Referred: Rules

Original sponsor: Kerttula

1 IN THE SENATE BY THE FINANCE COMMITTEE
2 HOUSE CS FOR CS FOR SENATE BILL NO. 255 (Finance)
3 IN THE LEGISLATURE OF THE STATE OF ALASKA
4 THIRTEENTH LEGISLATURE - SECOND 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 prosecuted by municipalities; and providing for an effective date."
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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] attorney services and facilities and the court costs shall be provided at
13 public expense to the extent that the person, at the time the court
14 determines indigency, is unable to provide for payment without undue
15 hardship. Appointment of any guardian ad litem or attorney shall be
16 made under the terms of AS 09.65.130, to the extent that that section
17 is not inconsistent with the requirements of this chapter.
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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) When a municipi-
8 pality prosecutes a person who has been determined by the court to be
9 indigent under AS 18.85.120 for a violation of a municipal ordinance
10 that is a serious crime, the municipality shall pay for the services
11 of the attorney appointed by the court to defend the indigent person.

12 (b) A municipality shall provide for defense attorney services
13 under (a) of this section by contracting with private attorneys or the
14 Alaska Public Defender Agency or by establishing a municipal public
15 defense agency.

16 (c) In a prosecution subject to this section, the court may
17 order the defendant to pay to the municipality the costs of the
18 attorney services and other court costs to the extent that the defen-
19 dant is able to do so.

20 * Sec. 4. This Act takes effect January 1, 1985.