

HB

375

COMMITTEE REPORT

HOUSE

FURTHER:

April 24, 1979

Date: _____

Mr. Speaker:

The Committee on JUDICIARY has had HB 375

"An Act relating to costs of attorney services provided to indigents charged with violations of municipal ordinances."

under consideration and (a majority of the committee) (the committee) reports it back with the following recommendations:

- do pass do not pass
- do pass with attached amendments(s)
- replace with CS for _____ same title
- and recommends _____ new title
- AND attaches a "Letter of Intent" New Fiscal Note
- reports it back without recommendation
- referred to the _____ Committee

**MEMBERS SIGNING
DO PASS**

**MEMBERS HAVING
OTHER RECOMMENDATIONS:**

CHAIRMAN

COMMITTEE REPORT

HOUSE

FURTHER: JUDICIARY

March 12, 1979

Date: 23 April 79

Mr. Speaker:

The Committee on C&RA has had HB 375

"An Act relating to costs of attorney services provided to indigents charged with violations of municipal ordinances."

under consideration and (a majority of the committee) (the committee) reports it back with the following recommendations:

- do pass do not pass
- do pass with attached amendments(s)
- replace with CS for _____ same title
- and recommends _____ new title
- AND attaches a "Letter of Intent" New Fiscal Note
- reports it back without ^{individual} recommendation
- referred to the _____ Committee

MEMBERS SIGNING
DO PASS

Charles H. Pan

Ray [Signature]

[Signature]

MEMBERS HAVING
OTHER RECOMMENDATIONS:

Go Rec. Margaret Brown

[Signature] (No Rec)

Patrick O'Connell - Do Not Pass

[Signature] (No Rec)

Bin Dal

CHAIRMAN

HB 325

March 12, 1979

The Honorable Terry Gardiner
Speaker of the House
Alaska State Legislature
Juneau, Alaska 99811

Dear Mr. Speaker:

Under the authority of art. III, sec. 18, of the Alaska Constitution, I am transmitting a bill transferring to municipalities the cost of providing defense counsel to indigents charged with violation of municipal ordinances.

In the past, the cost of judicial services, including the cost of defending indigent defendants, was borne by the municipality which filed the charges against the person under municipal ordinance. Because it was difficult, if not impossible, for the court system to precisely apportion the cost of judicial services, legislation was passed in 1976 amending AS 22.15.270 to have the state bear those costs. However, the transfer of responsibility for providing defense counsel for indigents charged with violations of municipal ordinances has imposed a substantial burden on the Public Defender Agency. These defense costs, unlike normal court operating costs, are easily identifiable. This bill would transfer back to the municipality bringing the charge against the indigent the responsibility for paying those costs, and thus more fairly allocate the costs to the user of the services.

Sincerely,

S/JS

Jay S. Hammond
Governor

THE LEGISLATURE OF THE STATE OF ALASKA
ELEVENTH LEGISLATURE

FISCAL NOTE

I. REQUEST
 Bill/Resolution No. pending HOUSE BILL NO. 375
 Title An act relating to costs of attorney services provided to indigents
 Requested by Office of the Governor Date March 5, 1979

II. FISCAL DETAIL
 Agency Affected Office of the Governor
 Program Category Affected Administration of Justice
 BRU, Program, or Subprogram(s) Affected Public Defender Agency
 (Note: If more than one budget component is affected, separate line-item amounts and funding for each component in the analysis section.)

EXPENDITURES (Thousands of Dollars)

	FY 79	FY 80	FY 81	FY 82	FY 83	FY 84
100 PERSONAL SERVICES		-0-				
200 TRAVEL		-0-				
300 CONTRACTUAL		-0-				
400 COMMODITIES		-0-				
500 EQUIPMENT		-0-				
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS, ETC.						
TOTAL		-0-				

FUNDING (Thousands of Dollars)

GENERAL FUND		-0-				
FEDERAL FUNDS						
OTHER (Specify Fund Source)						

POSITIONS

FULL TIME		-0-				
PART TIME						
TEMPORARY						

III. ANALYSIS (See Fiscal Note Preparation Instructions, Section III)

Since July 1, 1976 the Public Defender Agency has been charged with the defense of indigents charged with violations of municipal ordinances. Out of necessity, the agency has assumed this obligation using existing personnel and resources. For FY 79 two additional positions were authorized in HB 909; one Attorney III for 6 months and one Legal Secretary for 7 months.

Transferring the responsibility for indigent defense to the municipalities is not expected to reduce the case load of the Public Defender Agency, as it is assumed the municipalities would continue to contract with this agency for such services. Any such receipts would be deposited in the general fund.

IV. DATE March 5, 1979 PREPARED BY Janet Green
 AGENCY Office of the Governor
 Original: Legislative Finance PHONE 465-3545
 cc: Budget and Management
 Prime Sponsor (First Legislator Named)

ALASKA STATE LEGISLATURE

ELEVENTH Legislature . FIRST Session

HOUSE BILL NO. ...375..

By THE RULES COMMITTEE BY
REQUEST OF THE GOVERNOR

"An Act relating to costs of attorney services provided to indigents charged with violations of municipal ordinances."

Costs of attorney services

Introduced in the House 3-12 19... 79

HISTORY IN THE HOUSE

19 79

Mar. 12

Read first time and referred to Committee on
CS&RA and Judiciary

Reported back with recommendation that

Read second time and

Read third time and

PASS	Effective Date
Yeas	Yeas
Nays	Nays
Absent	Absent
Excused	Excused

Reconsideration

PASS	Effective Date
Yeas	Yeas
Nays	Nays
Absent	Absent
Excused	Excused

Reported correctly engrossed
Signed by Speaker
Sent to Senate

CHIEF CLERK OF THE HOUSE

HISTORY IN THE SENATE

19

Read first time and referred to Committee on

Reported back with recommendation that

Read second time and

Read third time and

PASS	Effective Date
Yeas	Yeas
Nays	Nays
Absent	Absent
Excused	Excused

Reconsideration

PASS	Effective Date
Yeas	Yeas
Nays	Nays
Absent	Absent
Excused	Excused

Reported correctly engrossed
Signed by President
Returned to House

SECRETARY OF THE SENATE

HISTORY IN THE HOUSE

19

Received from Senate

Concurred in Senate amendment thus adopting:
VOTE

Failed to concur in Senate amendment; asked Senate to recede
VOTE

Senate receded from amendment
VOTE

Senate failed to recede from amendment
VOTE

CC appointed by House

CC appointed by Senate

CC adopted by House
VOTE

CC adopted by Senate
VOTE

To enrolling
Reported correctly enrolled
Sent to Governor

..... by Governor

Filed with Lt. Governor

Chapter No.

THE LEGISLATURE OF THE STATE OF ALASKA
ELEVENTH LEGISLATURE

get new figures (528)

FISCAL NOTE

I. REQUEST

Bill/Resolution No. HB 375
 Title An Act relating to costs of attorney services provided to indigents
 Requested by Governor Date 3/12/79
 Title (cont'd): charged with violations of municipal ordinances.

II. FISCAL DETAIL

Agency Affected Dept. of Administration
 Program Category Affected Administration of Justice
 Budget Request Unit(s) Affected Public Defender Agency

EXPENDITURES (Thousands of Dollars)

	FY 79	FY 80	FY 81	FY 82	FY 83	FY 84
100 PERSONAL SERVICES	33.1	63.7	(63.7)			
200 TRAVEL						
300 CONTRACTUAL						
400 COMMODITIES						
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS, ETC.						
TOTAL	33.1	63.7	(63.7)			

FUNDING (Thousands of Dollars)

GENERAL FUND	33.1	63.7	(63.7)			
FEDERAL FUNDS						
OTHER (Specify)						

POSITIONS

FULL TIME	2	2	(2)			
PART TIME						
TEMPORARY						

III. ANALYSIS (See Fiscal Note Preparation Instructions, Section III)

Since July 1, 1976, the Public Defender Agency has been charged with the defense of indigents charged with violations of municipal ordinances. Out of necessity, the Agency has assumed this obligation using existing personnel and resources. In FY 79 two additional positions were authorized in HB 909, an Attorney III and a Legal Secretary I. If this bill, returning the financial obligation for indigent defense back to the municipalities, should pass these two positions would be eliminated by a Budget Amendment at a savings of \$63,715.

IV. DATE Jan. 29, 1980 PREPARED BY Brian Shortell, Public Defender
 AGENCY Public Defender Agency
 PHONE 279-7541
 Original: Legislative Finance
 cc: Budget and Management
 Prime Sponsor (First Legislator Named)

14B 31

March 12, 1979

The Honorable Terry Gardiner
Speaker of the House
Alaska State Legislature
Juneau, Alaska 99811

Dear Mr. Speaker:

Under the authority of art. III, sec. 18, of the Alaska Constitution, I am transmitting a bill transferring to municipalities the cost of providing defense counsel to indigents charged with violation of municipal ordinances.

In the past, the cost of judicial services, including the cost of defending indigent defendants, was borne by the municipality which filed the charges against the person under municipal ordinance. Because it was difficult, if not impossible, for the court system to precisely apportion the cost of judicial services, legislation was passed in 1976 amending AS 22.15.270 to have the state bear those costs. However, the transfer of responsibility for providing defense counsel for indigents charged with violations of municipal ordinances has imposed a substantial burden on the Public Defender Agency. These defense costs, unlike normal court operating costs, are easily identifiable. This bill would transfer back to the municipality bringing the charge against the indigent the responsibility for paying those costs, and thus more fairly allocate the costs to the user of the services.

Sincerely,

S/JS

Jay S. Hammond
Governor

Introduced: 3/12/79
Referred: Community & Regional
Affairs and Judiciary

1 IN THE HOUSE

BY THE RULES COMMITTEE BY
REQUEST OF THE GOVERNOR

2

HOUSE BILL NO. 375

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IN THE LEGISLATURE OF THE STATE OF ALASKA

4

ELEVENTH LEGISLATURE - FIRST SESSION

5

A BILL

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For an Act entitled: "An Act relating to costs of attorney services pro-

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vided to indigents charged with violations of municipi-

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pal ordinances."

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

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* Section 1. AS 18.85.100 is amended by adding a new subsection to

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read:

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(c) The attorney services provided under this chapter to an

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indigent person charged with violation of a municipal ordinance must

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be provided at the expense of the municipality.

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*letter - gov intent -
journal
C & RA*