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THE LEGISLATURE OF THE STATE OF ALASKA  
TWELFTH LEGISLATURE

FISCAL NOTE

I. REQUEST

Bill/Resolution No. DB 44  
 Title an Act relating to costs of attorney services  
 Requested by Governor Date 12/08/80

II. FISCAL DETAIL

Agency Affected Administration  
 Program Category Affected Justice  
 BU, Program, or Subprogram(s) Affected Public Defender  
 (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 80	FY 81	FY 82	FY 83	FY 84	FY 85
100 PERSONAL SERVICES						
200 TRAVEL						
300 CONTRACTUAL						
400 COMMODITIES						
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS, ETC.						
TOTAL		-0-	-0-	-0-	-0-	-0-

FUNDING (Thousands of Dollars)

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

POSITIONS

FULL TIME						
PART TIME						
TEMPORARY						

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

This will not result in any increased costs. Costs of defending clients under municipal ordinance will be charged to the municipality and will result in an increase in revenues to the State.

IV. DATE 12/08/80 PREPARED BY Judy Crendahl  
 AGENCY Administration  
 PHONE 465-2277

Original: Legislative Finance  
 cc: Budget and Management  
 Prime Sponsor (First Legislator Named)  
 Keith Specking

SB44

January 12, 1981

President of the Senate  
Alaska State Legislature  
Pouch V  
Juneau, AK 99811

Dear Mr. President:

Under the authority of art. III, sec. 18, of the Alaska Constitution, I am transmitting a bill which changes the present system of payment for costs of attorney services provided to indigents who are charged with violation of a municipal ordinance. The bill provides that municipalities will pay for these costs, and that the state will be relieved of the responsibility for payment.

Sincerely,

*S/JSH*

Jay S. Hammond  
Governor

Judy  
MEMORANDUM

State of Alaska

to William R. Hudson  
Commissioner  
Department of Administration

DATE September 18, 1980

FILE NO

TELEPHONE NO

FROM: Brian Shortell  
Public Defender *B*

SUBJECT: New Legislation

Attached is a 1981 Legislative Proposal Request Form which is submitted in response to Judy Crondahl's September 15, 1980 regarding new legislation. It addresses a need for further action on House Bill No. 375 which was introduced in March of 1979 and is now languishing in the House Judiciary Committee. Alaska municipalities have not been paying for indigent defense services since 1976. Before that time, the municipalities were required by court decision to pay for these defense services, since the constitution requires indigents in criminal cases to be provided with counsel. The state has been picking up the cost of the defense of cases prosecuted by municipalities for four years now.

Some years ago I suggested that House Bill No. 375 be introduced, because it seemed to me that the municipalities should be required to pay for their own defense services rather than passing these costs on to the state. Last year, as you can see from the copy of the bill which I have attached to this memo, the Governor's Office agreed to pursue passage of this legislation "vigorously". Unfortunately, the Judiciary Committee did not take action on the bill last year.

I am hoping this year some positive action can be taken by the legislature. If you require further information, please let me know.

Attachment

cc: Judy Crondahl



OCT 18 3 47 PM '80

BY [unclear]  
[unclear]

HB  
375

HOUSE BILL NO. 375 by the Rules Committee by request  
of the Governor, entitled:

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

was read the first time and referred to the Community  
and Regional Affairs and Judiciary Committees.

A fiscal note on HB 375 appears in House Journal Supplement  
No. 25.

The Governor's transmittal letter follows:

March 12, 1979

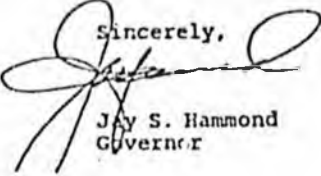
The Honorable Terry Gardiner  
Speaker of the House  
Alaska State Legislature  
Juneau, Alaska 99811

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,

  
Jay S. Hammond  
Governor