

HB

370

SFIN

FILE

SENATE FINANCE COMMITTEE REPORT

DATE: 3/25/96

DATE TURNED INTO OFFICE: 4/28/96

The Finance Committee considered CS FOR HOUSE BILL NO. 370(JUD)

"An Act relating to the provision of legal services at public expense."

REPORTED OUT OF
SFC 4/28/96

and recommends:

- be replaced with _____ CS _____ (_____)
- adopt previous 5 CS CS HB 370 (JUD)
- attached amendment(s)
- adopt Letter of Intent by _____ Committee
- further referral to the _____ Committee

Senate Bill:

- same title
- new title
- House Bill:**
- same title
- technical change
- new: SCR# _____

SIGNING DO PASS	DP	OTHER RECOMMENDATIONS	NR	DNP	AM
<i>Steve M...</i>	✓	<i>Paul F...</i>	✓	✓	
<i>Paul F...</i>	✓				
<i>David...</i>	✓				
<i>Scott Sharp</i>	✓				
Co-Chair: <i>[Signature]</i>	✓	Co-Chair:			
Co-Chair: <i>Rick Halford</i>	✓	Co-Chair:			

NEW FISCAL NOTE(S):

Department Date Zero Fiscal

Admin / OPA	3/29/96	Ø	
Admin / PDA	3/29/96	Ø	

PREVIOUS FISCAL NOTE(S):*

Department Date Zero Fiscal

Court System	1/24/96	Ø	

APPROPRIATION -- no fiscal note

*include fiscal notes accompanying Governor's bill

FISCAL NOTE

STATE OF ALASKA
1996 LEGISLATIVE SESSION

REPORTED OUT OF
SFC 4/28/96

BILL NO. SCS CSHB370 (Jud)

Revision Date: _____
Title: An Act relating to the provision of legal services at public expense.
Sponsor: Representatives Martin and Porter
Requestor: (S)Jud.

Dept. Affected: Administration
BRU: Office of Public Advocacy
Component: Office of Public Advocacy
COMPONENT SERIAL NO. 43

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING EXPENDITURES	FY 97	FY 98	FY 99	FY 00	FY 01	FY 02
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0

CAPITAL EXPENDITURES	0	0	0	0	0	0
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CHANGE IN REVENUES ()	0	0	0	0	0	0
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FUND SOURCE: (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1037 GF/Mental Health						
OTHER						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY 96) cost: \$ -0-

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS: (Attach a separate page if necessary.)
There is no fiscal impact to the Office of Public Advocacy.

Prepared by: Brant McGee, Public Advocate
Division: Office of Public Advocacy

Phone: 274-1684
Date: _____

Approved by Commissioner: Mark Boyer
Agency: Department of Administration

Date: 5/29/96

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FISCAL NOTE

STATE OF ALASKA
1996 LEGISLATIVE SESSION

REPORTED OUT OF
SFC 4/28/96

BILL NO. SCS CSHB370 (Jud)

Revision Date: _____
Title: An Act relating to the provision of legal services at public expense.
Sponsor: Representatives Martin and Porter
Requestor: (S)Jud.

Dept. Affected: Administration
BRU: Public Defender Agency
Component: Public Defender Agency
COMPONENT SERIAL NO. 1631

EXPENDITURES/REVENUES:

(Thousands of Dollars)

OPERATING EXPENDITURES	FY 97	FY 98	FY 99	FY 00	FY 01	FY 02
PERSONAL SERVICES	***	***	***	***	***	***
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	***	***	***	***	***	***

CAPITAL EXPENDITURES	***	***	***	***	***	***
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CHANGE IN REVENUES ()	***	***	***	***	***	***
------------------------	-----	-----	-----	-----	-----	-----

FUND SOURCE:

(Thousands of Dollars)

1002 Federal Receipts	***	***	***	***	***	***
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1037 GF/Mental Health						
OTHER						
TOTAL	***	***	***	***	***	***

Estimate of any current year (FY 96) cost: \$ -0-

POSITIONS:

FULL-TIME	***	***	***	***	***	***
PART-TIME						
TEMPORARY						

ANALYSIS: (Attach a separate page if necessary.)
This bill would have the effect of slightly decreasing the workload of the Public Defender.

Prepared by: John B. Salemi, Director
Division: Public Defender Agency

Phone: (907)264-4412
Date: _____

Approved by Commissioner: Mark Boyer
Agency: Department of Administration

Date: 3/29/96

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FISCAL NOTE

SFC 4/28/96

BILL NO. CSHB 370 JUD

STATE OF ALASKA
1996 LEGISLATIVE SESSION

Revision Date: _____ Dept. Affected: Alaska Court System
 Title: Legal counsel for accused criminals BRU: Trial Courts
 Component: _____
 Sponsor: Reps. Martin, Porter, Toohy
 Requestor: Judiciary COMPONENT SERIAL NO. 763

Expenditures/Revenues (Thousands of Dollars)

OPERATING EXPENDITURES	FY 97	FY 98	FY 99	FY 00	FY 01	FY 02
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS & CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0
CAPITAL EXPENDITURES						
CHANGE IN REVENUES ()						

Fund Source (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF	0.0	0.0	0.0	0.0	0.0	0.0
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY 96) cost: None

Positions

Full-Time						
Part-Time						
Temporary						

ANALYSIS: (Attach a separate page if necessary)

No fiscal impact.

Prepared by: C. S. Christensen III, Staff Counsel
 Agency: Alaska Court System

Approved by: Arthur H. Snowden, II, Administrative Director
 Agency: Alaska Court System

Phone: 264-8728
 Date: 01/24/96

Date: 01/24/96

PREPARER TO PROVIDE ALL DISTRIBUTION COPIES TO GOVERNOR'S LEGISLATIVE OFFICE

SENATE CS FOR CS FOR HOUSE BILL NO. 370(JUD)

IN THE LEGISLATURE OF THE STATE OF ALASKA

NINETEENTH LEGISLATURE - SECOND SESSION

BY THE SENATE JUDICIARY COMMITTEE

Offered: 3/25/96

Referred: Finance

Sponsor(s): REPRESENTATIVES MARTIN AND PORTER, Toohy

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to the provision of legal services at public expense."

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

3 * Section 1. AS 18.85.100(a) is amended to read:

4 (a) An indigent person who is [BEING DETAINED BY A LAW
5 ENFORCEMENT OFFICER IN CONNECTION WITH A SERIOUS CRIME, OR IS]
6 under formal charge of having committed a serious crime and the crime has been the
7 subject of an initial appearance or subsequent proceeding, or is being detained under
8 a conviction of a serious crime, or is on probation or parole, or is entitled to
9 representation under the Supreme Court Delinquency or Child in Need of Aid Rules, or
10 is detained under an order issued under AS 18.15.120 - 18.15.149, or against whom
11 commitment proceedings for mental illness have been initiated, is entitled

12 (1) to be represented, in connection with the crime or proceeding, by
13 an attorney to the same extent as a person retaining an attorney is entitled; and

14 (2) to be provided with the necessary services and facilities of this
15 representation, including investigation and other preparation.

1 * Sec. 2. AS 18.85.100 is amended by adding a new subsection to read:

2 (d) Notwithstanding (a) of this section, an indigent person is entitled to the
3 representation and necessary services and facilities of representation as provided in (a)
4 of this section when the prosecuting attorney or a law enforcement officer requests the
5 court to provide representation to an indigent person under this section and the court
6 finds that the provision of representation is necessary in the interests of justice.

7 * Sec 3. AS 18.85.110(a) is amended to read:

8 (a) If a person having a right to representation under AS 18.85.100 is not
9 represented by an attorney, [THE LAW ENFORCEMENT OFFICERS CONCERNED,
10 UPON COMMENCEMENT OF DETENTION, OR THE AGENCY, OR] the court [,
11 AS THE CASE MAY BE,] shall, at the time of the person's appearance before the
12 court,

13 [(1)] clearly inform the person of the right of an indigent person to be
14 represented by an attorney at public expense [; AND

15 (2) IF THE PERSON DETAINED OR CHARGED DOES NOT HAVE
16 AN ATTORNEY, NOTIFY THE AGENCY OR THE COURT, AS APPROPRIATE,
17 THAT THE PERSON IS NOT SO REPRESENTED].

18 * Sec. 4. AS 18.85.110(d) is amended to read:

19 (d) If a court determines under AS 18.85.120 that an indigent [THE] person
20 is entitled to be represented by an attorney at public expense, the court [IT] shall
21 promptly notify the agency or the office of public advocacy.

22 * Sec. 5. AS 18.85.120(a) is amended to read:

23 (a) The determination of a person's indigency shall be made by the court in
24 which an action against the person is pending. The determination shall be made by
25 the court and shall set out the basis for the finding that the person is indigent.

26 * Sec. 6. AS 18.85.110(b), 18.85.110(c), and 18.85.110(f) are repealed.

FISCAL NOTE

No. 2

STATE OF ALASKA
1996 LEGISLATIVE SESSION

Bill Version: CSHB 370(JUD)
(H) Publish Date: 1/26/96

Revision Date: _____
Title: "An Act relating to the provision of legal services to criminal defendants"
Sponsor: Rep. Martin
Requestor: (H) Jud

Department Affected: Administration
BRU: Office of Public Advocacy
Component: Office of Public Advocacy
COMPONENT SERIAL NO. 43

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING EXPENDITURES	FY 97	FY 98	FY 99	FY 00	FY 01	FY 02
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0

CAPITAL EXPENDITURES						
----------------------	--	--	--	--	--	--

CHANGE IN REVENUES ()						
------------------------	--	--	--	--	--	--

FUND SOURCE: (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1037 GF/Mental Health						
OTHER						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY 96) cost: \$ 0

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS: (Attach a separate page if necessary.)

There is no fiscal impact on the Office of Public Advocacy.

*4/25/96
previous F/N
updated, to
sent w/ file*

Prepared by: Brant McGee, Public Advocate
Division: Office of Public Advocacy

Phone: 274-1684
Date: _____

Approved by Commissioner: Mark Boyer
Agency: Administration

Date: 1/23/96

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COMMITTEE COPY

FISCAL NOTE

STATE OF ALASKA
1996 LEGISLATIVE SESSION

No. 3
Bill Version: CASHB 370(JUD)
(H) Publish Date: 1/26/96

Revision Date: _____
Title: "An Act relating to the provision of legal services to criminal defendants"
Sponsor: Representative Martin
Requestor: (H) Jud

Department Affected: Administration
BRU: Public Defender Agency
Component: Public Defender Agency
COMPONENT SERIAL NO. 1631

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING EXPENDITURES	FY 97	FY 98	FY 99	FY 00	FY 01	FY 02
PERSONAL SERVICES	***	***	***	***	***	***
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	***	***	***	***	***	***
CAPITAL EXPENDITURES	***	***	***	***	***	***
CHANGE IN REVENUES ()	***	***	***	***	***	***

FUND SOURCE: (Thousands of Dollars)

1002 Federal Receipts	***	***	***	***	***	***
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1037 GF/Mental Health						
OTHER						
TOTAL	***	***	***	***	***	***

Estimate of any current year (FY 96) cost: \$ -0-

POSITIONS:

FULL-TIME	***	***	***	***	***	***
PART-TIME						
TEMPORARY						

ANALYSIS: (Attach a separate page if necessary.)

This bill would have the effect of slightly decreasing the workload of the Public Defender.

Prepared by: John B. Salemi, Director
Division: Public Defender Agency

Phone: (907) 264-4412
Date: _____

Approved by Commissioner: Mark Boyer *MB*
Agency: Department of Administration

Date: 1/18/96

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COMMITTEE COPY

SENATE FINANCE COMMITTEE REPORT

DATE: 3/25/96

DATE TURNED INTO OFFICE: 4/28/96

The Finance Committee considered CS FOR HOUSE BILL NO. 370(JUD)

"An Act relating to the provision of legal services at public expense."

REPORTED OUT OF
SFC 4/28/96

and recommends:

- be replaced with _____ CS _____ (_____)
- adopt previous S CS CS HB 370 (JUD)
- attached amendment(s)
- adopt Letter of Intent by _____ Committee
- further referral to the _____ Committee

- Senate Bill:**
- same title
 - new title
- House Bill:**
- same title
 - technical change
 - new: SCR# _____

SIGNING DO PASS	DP	OTHER RECOMMENDATIONS	NR	DNP	AM
<i>Steve M.</i>	✓	<i>Paul F. Kelly</i>	✓	✓	
<i>Paul F. Kelly</i>	✓				
<i>David J. ...</i>	✓				
<i>Bob Sharp</i>	✓				
Co-Chair: <i>[Signature]</i>	✓	Co-Chair:			
Co-Chair: <i>Rick Halford</i>	✓	Co-Chair:			

NEW FISCAL NOTE(S):

Department Date Zero Fiscal

Admin / OPA	3/29/96	∅	
Admin / PDA	3/29/96	∅	

PREVIOUS FISCAL NOTE(S):*

Department Date Zero Fiscal

Court System	1/21/96	∅	

APPROPRIATION -- no fiscal note

*include fiscal notes accompanying Governor's bill

SENATE COMMITTEE REPORT

First Committee of Referral

DATE: 2/21/96

FURTHER: Finance

DATE TURNED INTO OFFICE: 3-22-96

The Judiciary Committee considered CS FOR HOUSE BILL NO. 370(JUD)

"An Act relating to the provision of legal services at public expense."

FN'S forthcoming

and recommends:

- be replaced with S CS CS HB 370 (JUD)
- adopt previous CS ()
- attached amendment(s)
- adopt Letter of Intent by Committee
- further referral to the Committee

- Senate Bill:**
- same title
 - new title
- House Bill:**
- same title
 - technical title
 - new: SCR#

SIGNING DO PASS	DP	OTHER RECOMMENDATIONS	NR	DNP	AM
Mike Miller	✓	Linda Green	✓		
		Ed Adams		X	
CHAIR: <i>Robert Taylor</i>	✓	CHAIR:			

NEW FISCAL NOTE(S):

Department	Date	Zero	Fiscal
Court	3/21/96	 	

PREVIOUS FISCAL NOTE(S):*

Department	Date	Zero	Fiscal
DOA - Pub. Def.	1/18/96	✓	
DOA - Advocacy		✓	
Court		✓	

APPROPRIATION -- no fiscal note

*include fiscal notes accompanying Governor's bill