



LAWS OF ALASKA

1984

Source

HCS CSSB 255(Fin)

Chapter No.

125

AN ACT

Relating to the payment of attorney services and expenses for indigent criminal defendants prosecuted by municipalities; and providing for an effective date.

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

THE ACT FOLLOWS ON PAGE 1, LINE 11

UNDERLINED MATERIAL INDICATES TEXT THAT IS BEING ADDED TO THE LAW AND BRACKETED MATERIAL IN CAPITAL LETTERS INDICATES DELETIONS FROM THE LAW; COMPLETELY NEW TEXT OR MATERIAL REPEALED AND RE-ENACTED IS IDENTIFIED IN THE INTRODUCTORY LINE OF EACH BILL SECTION.

Approved by the Governor: June 21, 1984
Actual Effective Date: January 1, 1985

AN ACT

Relating to the payment of attorney services and expenses for indigent criminal defendants prosecuted by municipalities; and providing for an effective date.

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

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

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

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

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

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1 representation by the agency under this chapter, the public defende
2 may contract with one or more private attorneys for assistance [T
3 ASSIST HIM]. Except as provided in AS 18.85.155, the [THE] publi
4 defender shall pay for these services out of appropriations to th
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 munic
8 pality prosecutes a person who has been determined by the court to b
9 indigent under AS 18.85.120 for a violation of a municipal ordinan
10 that is a serious crime, the municipality shall pay for the servic
11 of the attorney appointed by the court to defend the indigent person

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

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

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