

**HOUSE BILL NO. 221**

IN THE LEGISLATURE OF THE STATE OF ALASKA  
TWENTY-SEVENTH LEGISLATURE - FIRST SESSION

**BY REPRESENTATIVE CHENAULT**

**Introduced: 4/1/11**

**Referred: Judiciary, Finance**

**A BILL**

**FOR AN ACT ENTITLED**

1 **"An Act relating to the appointment of counsel for persons accused of crimes; and**  
2 **amending Rule 39.1, Alaska Rules of Criminal Procedure."**

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

4 **\* Section 1.** AS 18.85.120(b) is amended to read:

5 (b) In determining whether a person is indigent and in determining the extent  
6 of the person's inability to pay, the court shall consider such factors as income,  
7 property owned, outstanding obligations, and the number and ages of dependents.  
8 Release on bail does not preclude a finding that a person is indigent. In each case, the  
9 person, subject to the penalties for perjury, shall certify under oath, and in writing [OR  
10 BY OTHER RECORD], material factors relative to the person's **financial resources**  
11 **and** ability to pay that the court prescribes.

12 **\* Sec. 2.** The uncodified law of the State of Alaska is amended by adding a new section to  
13 read:

14 **DIRECT COURT RULE AMENDMENT.** Rule 39.1(e), Alaska Rules of

1 Criminal Procedure, is amended to read:

2 (e) **Determining Eligibility.** The court or its designee shall determine whether  
3 a defendant is eligible for court-appointed counsel by placing the defendant under oath  
4 and asking about the defendant's financial status, and [OR] by requiring the defendant  
5 to complete a signed sworn financial statement, subject to penalties for perjury. A  
6 defendant who requests appointed counsel must execute a general waiver authorizing  
7 the release of financial information to the court as required by AS 18.85.120.