

Introduced by: Davis and
Brandon
Date: Apr. 6, 1982
Vote: 9 Yes, 6 No
Action: Adopted

KENAI PENINSULA BOROUGH

RESOLUTION 82-70

SUPPORTING THE ENACTMENT OF SENATE BILL 863 IN THE LEGISLATURE OF THE STATE OF ALASKA, TWELFTH LEGISLATURE, SECOND SESSION TO PROVIDE FOR THE AWARD OF COSTS AND ATTORNEY FEES TO DEFENDANTS ACQUITTED OF OFFENSES.

WHEREAS, the Finance Committee of the Alaska Senate has sponsored Senate Bill 863 which has been referred to the Judiciary and Finance Committees; and

WHEREAS, recent developments in State and National legislation and court rules have extended the award of court costs and attorney fees for public interest litigation, civil liberties litigation, and environmental protection; and

WHEREAS, these awards of costs and attorney fees redound to the benefit of those who institute the litigation as parties on behalf of a claim which is intended to benefit the public, or civil rights, or the environment; and

WHEREAS, this modern trend has not recognized the needs to cover the expense of defending against State criminal, administrative and civil prosecutions which historically visit the costs of defending oneself upon one's own personal resources, except where a public defender is available; and

WHEREAS, the Assembly finds that it is proper to express its position that the State should not be in the position of prosecuting persons without being required to pay defense costs and attorney fees when accused persons are acquitted by judge or jury;

NOW THEREFORE, BE IT RESOLVED BY THE ASSEMBLY OF THE KENAI PENINSULA BOROUGH:

Section 1. That the Assembly supports the enactment of Senate Bill 863 in the Twelfth Legislature, Second Session which will provide for reimbursing defendants for their court costs and attorney fees when they are acquitted of criminal charges by the State, or in administrative proceedings or civil court actions brought by the State where the State does not prevail.

Section 2. That this resolution shall be served upon Jay S. Hammond, Governor of the State of Alaska; Jalmar M. Kertulla, President of the State Senate; Joe L. Hayes, Speaker of the House; Donald E. Gilman, State Senator; and Hugh Malone, Patrick M. O'Connell, and Bette M. Cato, Representatives.

ADOPTED BY THE ASSEMBLY OF THE KENAI PENINSULA BOROUGH
ON THIS 6th DAY OF April, 1982.

John C. Davis, Assembly President

ATTEST:

Francis Bryner
Borough Clerk

Donald L. McCloud
Donald McCloud, Assembly Vice-Pres.