

IN THE SUPREME COURT OF THE STATE OF ALASKA
ORDER NO. 1566

Amending Criminal Rule 39(c) and (d)
Concerning Costs of Appointed
Counsel

IT IS ORDERED:

Criminal Rule 39(c) and (d) are amended to read as follows:

Criminal Rule 39. Appointment of Counsel.

(c) Costs of Appointed Counsel.

(1) *Entry of Judgment.*

(A) At the time of sentencing, revocation of probation, denial of a motion to withdraw plea, and denial of an application brought under Criminal Rule 35.1, the court shall inquire whether there is good cause why the court should not enter judgment for the cost of appointed counsel in the amount set out in subsection (d) of this rule. If no one asserts good cause to reduce the amount called for in subsection (d), the court shall enter judgment against the defendant in that amount. If it is alleged that there is good cause to reduce the normal amount, the court may either decide the issue at that time and enter judgment accordingly or schedule another hearing to consider the issue.

(B) If the court finds that the actual cost of appointed counsel is less than the amount of payment called for in subsection (d), the court shall not enter judgment in an amount greater than the actual cost of counsel.

(C) The judgment must be in writing. A copy of the judgment must be served on the defendant. The judgment

bears interest at the rate specified in AS 09.30.070(a) from the date judgment is entered. The court shall order the defendant to apply for permanent fund dividends every year in which the defendant qualifies for the dividend until the judgment is paid in full.

(d) **Schedule of Costs.** Except for good cause shown as provided in paragraph (c)(1), the following schedules govern the assessment of costs of appointed counsel under subsection (c). If a defendant is convicted of more than one offense in a single dispositive court proceeding, costs shall be based on the most serious offense of which the defendant is convicted. If a defendant is otherwise convicted of more than one offense, costs shall be separately assessed for each conviction. For good cause shown, the court may waive the schedule of costs and assess fees up to the actual cost of appointed counsel, including actual expenses.

DATED: April 12, 2005

EFFECTIVE DATE: May 15, 2005

Chief Justice Bryner

Justice Matthews

Justice Eastaugh

Justice Fabe

Justice Carpeneti