

IN THE SUPREME COURT FOR THE STATE OF ALASKA

ORDER NO. 939

Amending Criminal Rule 17(b)
concerning public representation

IT IS ORDERED:

Criminal Rule 17(b) is amended to provide:

(b) Defendants Unable to Pay. A subpoena shall be issued by the clerk as provided in section (a) for a defendant financially unable to pay the fees of the witness. The determination of financial inability shall be made in accordance with the criteria provided under rule 39(b) of these rules, and if the defendant is represented by court appointed counsel [COUNSEL WAS PREVIOUSLY APPOINTED FOR THE DEFENDANT PURSUANT TO SAID RULE 39, OR THE DEFENDANT IS REPRESENTED BY THE ALASKA PUBLIC DEFENDER AGENCY] no further showing of financial inability shall be required. Subpoenas issued under this section (b) shall contain an order to appear without the prepayment of any witness fee. The cost incurred by the process and the fees of the witness so subpoenaed, shall be paid by the public agency providing representation [ALASKA PUBLIC DEFENDER AGENCY EXCEPT THAT IN CASES WHERE A SUBSTITUTE DEFENDER IS APPOINTED BY THE COURT, SUCH COSTS AND FEES SHALL BE PAID BY THE COURT SYSTEM].

DATED: September 8, 1988

EFFECTIVE DATE: January 15, 1989

Chief Justice Matthews

Justice Rabinowitz

Justice Burke

Justice Compton

Justice Moore