

# Public Defender

COMBINE WITH (Bill Requests)

## Legislation Status -- By Agency

AGY	PGM	PRIORITY	SHORT TITLE	DISPOSITION
6108	01	001	Access to jailed persons	Approved
6108	01	002	Fees for certain services05/21/10	Approved
6108	01	003	Set chief public defender caseload	Disapproved
6108	01	004	Set regional deputy public defender caselo	Disapproved
6108	01	005	Allow for flat fee contracts	More Info
6108	01	006	Remove jail time as a penalty in certain mism	More Info
6108	01	007	Revise 47-1-105, 205 Chief Appellate Defe	

Proposed 2011 Session Legislation

Agency Name & No: Office of the State Public Defender - 61080

Priority Number: 1 | Filename:

Short Title: Access to Jailed Persons

Agency Contact Person/Phone: Harry Freebourn 406-496-6084

1. Purpose:

To allow public defenders access to jailed persons prior to appointment by courts

2. Background:

Current law does not included this provision - should be in 47-1-111, MCA

3. Fiscal Impact by Fund Type: This impact should be as specific as possible.

None

4. Summary Checklist [Check & complete all that apply]--

- Housekeeping Only       Federal Requirement       Audit Recommendation (Audit No.)       Major Legislation
- Anticipated to be Controversial Legislation       Bill Draft has been included in Legislation Submittal (if available)
- Supports Submitted EPP Item Number:       Local Government Fiscal Impact
- Increases FTE, or       Decreases FTE by      List FTE amount and program
- Increases Existing Revenue       Tax       Fee       Penalty [amount in #3]
- Decreases Existing Revenue       Tax       Fee       Penalty [amount in #3]
- Establishes New Revenue       Tax       Fee       Penalty [amount in #3]
- Leg. has been Submitted in Previous Legislative Sessions (list priority no, LC no, or bill no):
- Legislation would affect other state agencies (list):
- Special Interest Groups Affected (list):
- Other:

Proposed 2011 Session Legislation

Agency Name & No: Office of the State Public Defender - 61080

Priority Number: 2 Filename:

Short Title: Fees for Certain Services

Agency Contact Person/Phone: Harry Freebourn 406-496-6084

1. Purpose:

To allow the Office of the State Public Defender to recover all or a portion of public defender costs in any case in which a person has been determined to be eligible for public defender services under this statute or by law and in which the person has the reasonable ability to pay.

2. Background:

In some instances, the agency must serve a client even though they may have the ability to pay for the service. This change would allow the agency to bill for services. Amend 47-1-111, MCA

3. Fiscal Impact by Fund Type: This impact should be as specific as possible.

This would create fee revenue for the agency. The amount is not yet known.

4. Summary Checklist [Check & complete all that apply]--

- Housekeeping Only       Federal Requirement       Audit Recommendation (Audit No.)       Major Legislation
- Anticipated to be Controversial Legislation       Bill Draft has been included in Legislation Submittal (if available)
- Supports Submitted EPP Item Number: \_\_\_\_\_       Local Government Fiscal Impact
- Increases FTE, or       Decreases FTE by      List FTE amount and program \_\_\_\_\_
- Increases Existing Revenue       Tax       Fee       Penalty [amount in #3]
- Decreases Existing Revenue       Tax       Fee       Penalty [amount in #3]
- Establishes New Revenue       Tax       Fee       Penalty [amount in #3]
- Leg. has been Submitted in Previous Legislative Sessions (list priority no, LC no, or bill no): \_\_\_\_\_
- Legislation would affect other state agencies (list): \_\_\_\_\_
- Special Interest Groups Affected (list): \_\_\_\_\_
- Other: \_\_\_\_\_

Proposed 2011 Session Legislation

Agency Name & No: Office of the State Public Defender - 61080

Priority Number: 5 | Filename:

Short Title: Allow for Flat Fee Contracts

Agency Contact Person/Phone: Harry Freebourn 406-496-6084

1. Purpose:

To allow flat fee contracts in extraordinary circumstances and when effective assistance of counsel can be guaranteed.

2. Background:

Current law does not allow for flat fee contracts. Amend Section 47-1-216 (3)

3. Fiscal Impact by Fund Type: This impact should be as specific as possible.

Unknown level of cost savings

4. Summary Checklist [Check & complete all that apply]--

- Housekeeping Only, Federal Requirement, Audit Recommendation, Major Legislation, Anticipated to be Controversial Legislation, Bill Draft has been included in Legislation Submittal, Supports Submitted EPP Item Number, Local Government Fiscal Impact, Increases/Decreases FTE, Revenue changes (Tax, Fee, Penalty), Leg. has been Submitted in Previous Legislative Sessions, Legislation would affect other state agencies, Special Interest Groups Affected, Other.

Proposed 2011 Session Legislation

Agency Name & No: Office of the State Public Defender - 61080

Priority Number: 6 | Filename:

Short Title: Remove Jail Time as a Penalty in Certain Misdemeanors

Agency Contact Person/Phone: Harry Freebourn 406-496-6084

1. Purpose:

To amend various statutes to remove jail time as a penalty for certain misdemeanors

2. Background:

Certain misdemeanors have jail time as a possible penalty. The threat of jail time requires the services of a public defender. If jail time was not an option, the agency would not need to represent clients charged with these offenses. This action may slow the growth in public defender cases and may reduce future increases to the agency.

3. Fiscal Impact by Fund Type: This impact should be as specific as possible.

Unknown level of cost savings

4. Summary Checklist [Check & complete all that apply]--

- Housekeeping Only       Federal Requirement       Audit Recommendation (Audit No.)       Major Legislation
- Anticipated to be Controversial Legislation       Bill Draft has been included in Legislation Submittal (if available)
- Supports Submitted EPP Item Number:       Local Government Fiscal Impact
- Increases FTE, or       Decreases FTE by      List FTE amount and program
- Increases Existing Revenue       Tax       Fee       Penalty [amount in #3]
- Decreases Existing Revenue       Tax       Fee       Penalty [amount in #3]
- Establishes New Revenue       Tax       Fee       Penalty [amount in #3]
- Leg. has been Submitted in Previous Legislative Sessions (list priority no, LC no, or bill no):
- Legislation would affect other state agencies (list):
- Special Interest Groups Affected (list):
- Other:

**Proposed 2011 Session Legislation**

**Agency Name & No:** Office of the State Public Defender - 61080

**Priority Number:** 7 **Filename:**

**Short Title:** Revise 47-1-105, 205 Chief Appellate Defender

**Agency Contact Person/Phone:** Harry Freebourn 406-496-6084

**1. Purpose:**

To amend the statute to state that the Chief Public Defender "shall hire and administratively supervise" the Chief Appellate Defender. Insert administratively. Strike "perform all other duties assigned to the chief appellate defender by the chief public defender." Add: "the Commission shall evaluate the Chief Appellate Defender."

**2. Background:**

**3. Fiscal Impact by Fund Type:**

*This impact should be as specific as possible.*

None

**4. Summary Checklist [Check & complete all that apply]--**

- Housekeeping Only     Federal Requirement     Audit Recommendation (Audit No.)     Major Legislation
- Anticipated to be Controversial Legislation     Bill Draft has been included in Legislation Submittal (if available)
- Supports Submitted EPP Item Number     Local Government Fiscal Impact
- Increases FTE, or     Decreases FTE by    List FTE amount and program
- Increases Existing Revenue     Tax     Fee     Penalty [amount in #3]
- Decreases Existing Revenue     Tax     Fee     Penalty [amount in #3]
- Establishes New Revenue     Tax     Fee     Penalty [amount in #3]
- Leg. has been Submitted in Previous Legislative Sessions (list priority no, LC no, or bill no):
- Legislation would affect other state agencies (list):
- Special Interest Groups Affected (list):
- Other: