

# HOUSE RESEARCH

## Bill Summary

**FILE NUMBER:** H.F. 2619

**DATE:** March 16, 2004

**Version:** As Amended in Committee

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**Subject:** Public Defender

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### Overview

This bill amends several statutory provisions related to the public defender. The bill limits the discretionary appointment of public defenders by the court, clarifies who is eligible for a public defender, amends the public defender co-payment provisions, modifies the access rights of public defenders to certain government data, repeals a statute addressing the appointment of public defenders, and increases the appropriation to the public defender for fiscal year 2005.

### Section

- 1 Debt.** Removes the public defender co-payment from the purview of the Revenue Recapture Act.
- 2 Request for appointment of public defender.** Limits the list of parties who may request a public defender to those parties specifically identified in section 611.14. The list in 611.14 includes persons charged with a felony, gross misdemeanor, or misdemeanor, persons appealing from a conviction for a felony or gross misdemeanor, persons subject to revocation of a stayed sentence, and minors ten years of age or older who are subject to delinquency or CHIPs proceedings.
- 3 Standards for District Public Defense Eligibility.** Imposes the public defender co-payment obligation on clients after the court disposes of the individual's case, unless the court waives the co-payment. Under current law, the obligation attaches at the time counsel is appointed. Requires that co-payments collected be deposited in the state general fund. Strikes language directing co-payments to a public defender co-pay account.
- 4 Representation.** Eliminates the Supreme Court and Court of Appeals' discretionary authority

**Section**

to appoint public defenders. Eliminates the State Public Defender's authority to delegate representation of court appointed defendants to district public defenders.

- 5 Access to Government Data.** Eliminates the prohibition on public defenders accessing the criminal justice information network to obtain information on individuals other than their clients. Allows the public defender to access the network to obtain the criminal record of a witness. Clarifies that the public defender shall have access to data stored via CriMNet or other methods. Specifies that the public defender may not access data systems maintained by a prosecuting attorney.
- 6 Appropriation.** Provides a blank supplemental appropriation to the public defender for FY05.
- 7 Repealer.** Repeals section 611.18, which covers a variety of issues, related to the appointment of public defenders.
- 8 Effective Date.** Establishes a July 1, 2004, effective date and applies the changes to crimes committed on or after that date.