

# HOUSE RESEARCH

## Bill Summary

**FILE NUMBER:** H.F. 3344

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**Version:** As introduced

**Authors:** Hilstrom and Smith

**Subject:** Public defender representation

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### Overview

This bill amends several statutory provisions related to public defenders. It expands the list of persons entitled to public defender representation and limits public defender representation to those statutorily designated persons.

#### Section

- 1** **Right to representation by a public defender.** Expands the list of persons who are entitled to be represented by a public defender to include a custodial parent who is entitled to be represented in a CHIPS proceeding, or if there is no custodial parent, the guardian or custodian of the child. In cases governed by the Indian Child Welfare Act, the district public defender may represent both parents regardless of custody rights, or the guardian or the custodian.  
  
Limits representation by public defenders to statutorily designated persons.
- 2** **Request for appointment of public defender.** Clarifies that public defender representation is limited to the circumstances described in section 1.
- 3** **Appointment of public defender.** Clarifies that a state public defender must be appointed in cases involving an appeal or post-conviction relief and district public defenders must be appointed in all other eligible cases. Eliminates the court's discretion to appoint a state public defender instead of a district public defender if a conflict exists or the district public defender is unable to act.

**Section**

- 4**      **Representation.** Eliminates the Supreme Court and Court of Appeals' discretionary authority to appoint state public defender representation. Eliminates the state public defender's authority to delegate representation of court appointed defendants to district public defenders.
- 5**      **Persons defended.** Makes changes to conform with section 1.