

HOUSE RESEARCH

Bill Summary

FILE NUMBER: H.F. 509
Version: First engrossment
Authors: Hilstrom and others
Subject: Public defender representation
Analyst: Rebecca Pirius, 651-296-5044

DATE: February 24, 2009

This publication can be made available in alternative formats upon request. Please call 651-296-6753 (voice); or the Minnesota State Relay Service at 1-800-627-3529 (TTY) for assistance. Summaries are also available on our website at: www.house.mn/hrd.

Overview

This bill makes changes to provisions regarding public defender representation, including eligibility, appointment, and reimbursement obligations.

Section

- 1** **General rule.** Requires a defendant to consent to certification of a misdemeanor violation as a petty misdemeanor. Provides that if an offense is certified as a petty misdemeanor, a defendant would not be eligible for a public defender.
- 2** **Financial inquiry.** Establishes criteria to determine eligibility for public defender representation based on the offense level charged and the defendant's income.

Misdemeanor level: defendant is financially unable to obtain private counsel if annual income is not greater than 150 percent of the federal poverty guidelines.

Gross misdemeanor level: defendant is financially unable to obtain private counsel if annual income is not greater than 175 percent of the federal poverty guidelines.

Felony level: defendant is financially unable to obtain private counsel if annual income is not greater than 200 percent of the federal poverty guidelines.
- 3** **Appointment of public defender.** Clarifies that the chief appellate public defender represents persons pursuing an appeal or post-conviction relief and the district public defender represents persons in all other statutorily defined cases.
- 4** **Reimbursement.** Directs reimbursement payments collected in the Fourth Judicial District to be returned to Hennepin County to offset the county's contribution to the public defender system. Currently, all reimbursements are credited to the Board of Public Defense.
- 5** **Employed defendants.** Changes from mandatory to permissive the court's authority to direct an employed defendant to reimburse the state for the cost of a public defender.

Provides that the court may consider the defendant's income and assets to determine the reimbursement schedule. Makes conforming changes.

6 Repealer. Repeals the following subdivisions:

§ 611.20, subd. 6 – sets forth the reimbursement schedule guideline based on a defendant's net income and number of dependents.

§ 611.20, subd. 7 – authorizes income withholding for reimbursement obligations; prohibits employer discrimination.