

Senate Bill 202

In The Senate

January 20, 1981	Introduced and referred to Committee on State Administration.
	Fiscal note requested.
January 26, 1981	Fiscal note returned.
February 11, 1981	Committee recommend bill do not pass.
February 12, 1981	On motion Senate reconsider its action taken on Adverse Committee Report and order printed and placed on second reading. Motion failed.

1 *Senate* BILL NO. *202*  
 2 INTRODUCED BY *Van Valkenburg Keady*  
 3 \_\_\_\_\_

4 A BILL FOR AN ACT ENTITLED: "AN ACT TO CREATE THE POSITION  
 5 OF PUBLIC DEFENSE COORDINATOR; TO PROVIDE FOR THE  
 6 COORDINATOR'S APPOINTMENT, QUALIFICATIONS, REMOVAL, SALARY,  
 7 STAFF, AND DUTIES; AND TO PROVIDE FOR A COUNTY CONTRIBUTION  
 8 TO THE COSTS OF THE COORDINATOR'S SERVICES."

9  
 10 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

11 Section 1. Definition of coordinator. For the purposes  
 12 of [this act] "coordinator" means the public defense  
 13 coordinator provided for in [section 2].

14 Section 2. Position established. (1) There is a public  
 15 defense coordinator.

16 (2) The office of the coordinator is allocated to the  
 17 department of justice for administrative purposes only, as  
 18 provided in 2-15-121, except that the provisions of  
 19 subsections (1)(b), (1)(c), (2)(a), (2)(b), (2)(d), (2)(e),  
 20 and (3)(a) of 2-15-121 do not apply.

21 Section 3. Appointment. The coordinator shall be  
 22 appointed by the governor from a list of three names  
 23 submitted by the chief justice of the supreme court.

24 Section 4. Qualifications. The coordinator shall be an  
 25 attorney in good standing admitted to practice law in

1 Montana who has engaged in the active practice of law for at  
 2 least 2 years before his appointment.

3 Section 5. Removal from office. The coordinator may be  
 4 removed from office by the governor only for cause.

5 Section 6. Salary. The salary of the coordinator shall  
 6 be fixed by the governor and shall be commensurate with that  
 7 of the training coordinator employed by the department of  
 8 justice.

9 Section 7. Additional attorneys and staff. The  
 10 coordinator may hire one or more attorneys and the office  
 11 staff that he considers necessary to assist him in  
 12 performing his duties.

13 Section 8. Duties of coordinator. The coordinator  
 14 shall:

15 (1) provide for and coordinate training of public  
 16 defenders and court-appointed counsel in current aspects of  
 17 criminal law;

18 (2) plan for the future provision of public defense  
 19 services in Montana;

20 (3) consolidate and provide such resources as official  
 21 opinions, legal briefs, and other relevant criminal law  
 22 information;

23 (4) assist public defenders and court-appointed  
 24 defense counsel in the prosecution of direct appeals to the  
 25 supreme court whenever the requirements of his other duties

1 and budgetary considerations allow;

2 (5) act as trial counsel whenever the requirements of  
3 his other duties and budgetary considerations allow and,  
4 upon the request of the county commissioners, be appointed  
5 as such by a district judge in any criminal case that is  
6 expected to be so complicated or prolonged as to place an  
7 unreasonable burden on the county responsible for providing  
8 counsel by the usual means; and

9 (6) apply for, accept, and disburse any federal funds  
10 available for aid to give fuller and more efficient  
11 realization of the right to counsel.

12 Section 9. County's contribution to costs of defense.  
13 Whenever the coordinator acts as defense counsel under  
14 subsection (4) or (5) of [section 8], the county responsible  
15 for providing counsel shall pay into the earmarked revenue  
16 fund for the use of the coordinator's office an hourly  
17 compensation, agreed upon by the coordinator and the county  
18 commissioners of the responsible county, for the services of  
19 the coordinator or his assistant.

-End-

## STATE OF MONTANA

REQUEST NO. 177-81

## FISCAL NOTE

Form BD-15

In compliance with a written request received 1-21, 19 81, there is hereby submitted a Fiscal Note for SB 202 pursuant to Title 5, Chapter 4, Part 2 of the Montana Code Annotated (MCA).

Background information used in developing this Fiscal Note is available from the Office of Budget and Program Planning, to members of the Legislature upon request.

DESCRIPTION:

An act to create the position of public defense coordinator, to provide for the coordinator's appointment, qualifications, removal, salary, staff, and duties, and to provide for a county contribution to the costs of the coordinator's services.

ASSUMPTIONS:

1. The public defense coordinator program will operate in the same manner as the County Prosecutor Services, presently in the Department of Justice.
2. No revenue projections were made because the bill allows hourly compensation to be agreed upon by the coordinator and the county commissioners. This could not be projected.

FISCAL IMPACT:

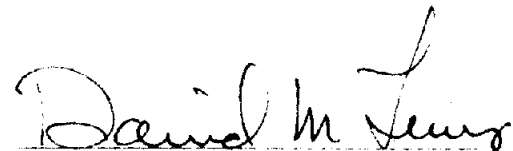
2 FTE's

One Attorney grade 19/step 2

One Secretary grade 9/step 2

	<u>FY 82</u>	<u>FY 83</u>
Personal Services	44,227	44,227
Operating Expense	12,450	12,732
Equipment	<u>1,894</u>	
Program Total	58,571	<u>56,959</u>
Biennium Total		<u>115,530*</u>

\*If one attorney was also included in the staff it would add an additional \$65,394 to the biennium for a total of \$180,924.



BUDGET DIRECTOR

Office of Budget and Program Planning

Date: 1-26-81