

SENATE BILL NO. 5

Introduced: 1/3/83

Referred to Committee on Judiciary: 1/3/83

Hearing: 1/13/83

Report: 01/14/83, Do Not Pass. Report Adopted.  
Bill Killed.

1                    SENATE    BILL NO.    5  
2    INTRODUCED BY MAZUREK  
3                    BY REQUEST OF THE JOINT SUBCOMMITTEE ON JUDICIARY  
4  
5    A BILL FOR AN ACT ENTITLED: "AN ACT TO CREATE THE POSITION  
6    OF PUBLIC DEFENSE COORDINATOR; TO PROVIDE FOR THE  
7    COORDINATOR'S APPOINTMENT, QUALIFICATIONS, REMOVAL, SALARY,  
8    STAFF, AND DUTIES; AND TO PROVIDE FOR A COUNTY CONTRIBUTION  
9    TO THE COSTS OF THE COORDINATOR'S SERVICES."  
10  
11    BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:  
12                    Section 1. Definition of coordinator. For the purposes  
13    of [this act], "coordinator" means the public defense  
14    coordinator provided for in [section 2].  
15                    Section 2. Position established. (1) There is a public  
16    defense coordinator.  
17                    (2) The office of the coordinator is allocated to the  
18    department of administration for administrative purposes  
19    only, as provided in 2-15-121, except that the provisions of  
20    subsections (1)(b), (1)(c), (2)(a), (2)(b), (2)(d), (2)(e),  
21    and (3)(a) of 2-15-121 do not apply.  
22                    Section 3. Appointment. The coordinator shall be  
23    appointed by the governor from a list of three names  
24    submitted by the chief justice of the supreme court.  
25                    Section 4. Qualifications. The coordinator shall be an

1    attorney in good standing, admitted to practice law in  
2    Montana, who has engaged in the active practice of law for  
3    at least 2 years before his appointment.  
4                    Section 5. Removal from office. The coordinator may be  
5    removed from office by the governor only for cause.  
6                    Section 6. Salary. The salary of the coordinator shall  
7    be fixed by the governor and shall be commensurate with that  
8    of the training coordinator employed by the department of  
9    justice.  
10                    Section 7. Additional attorneys and staff. The  
11    coordinator may hire one or more attorneys and the office  
12    staff that he considers necessary to assist him in  
13    performing his duties.  
14                    Section 8. Duties of coordinator. The coordinator  
15    shall:  
16                    (1) provide for and coordinate training of public  
17    defenders and court-appointed counsel in current aspects of  
18    criminal law;  
19                    (2) plan for the future provision of public defense  
20    services in Montana;  
21                    (3) consolidate and provide such resources as official  
22    opinions, legal briefs, and other relevant criminal law  
23    information;  
24                    (4) collect data on indigent defense costs and  
25    caseloads from each district court in the state;

1       (5) upon the request of the county commissioners and  
2 appointment by a district judge, act as trial counsel or  
3 counsel in appellate and postconviction proceedings in any  
4 criminal case that is expected to be so complicated or  
5 prolonged as to place an unreasonable burden on the county  
6 responsible for providing counsel by the usual means; and

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

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

-End-

## STATE OF MONTANA

REQUEST NO. 001-83

## FISCAL NOTE

Form BD-15

in compliance with a written request received January 4,, 19 83, there is hereby submitted a Fiscal Note  
for Senate Bill 5 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 OF PROPOSED LEGISLATION:

Senate Bill 5 creates the position of public defense coordinator, provides for the coordinator's appointment, qualifications, removal, salary, staff, and duties; and provides for a county contribution to the costs of the coordinator's services.

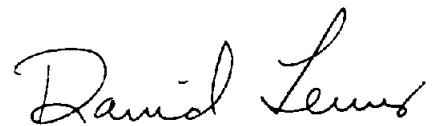
ASSUMPTIONS:

- 1) Fiscal and accounting support assumed by staff of the coordinator.
- 2) Coordinator located in Helena.
- 3) Funding based on per hour cost, revenue could not be projected.
- 4) Salary increases in FY 85, 5%.
- 5) Operating expenses similar to County Prosecutor Services plus initial cost of setting up.
- 6) The Public Defense Coordinator is patterned after the County Prosecutor Services program of the Department of Justice.
- 7) The staff includes the coordinator, secretary and attorney.

FISCAL IMPACT:

	<u>FY 84</u>	<u>FY 85</u>
Personal Services	101,370	108,837
Operating Expenses	18,700	17,000
Equipment	3,000	
Total Cost	<u>123,070</u>	<u>125,837</u>

FISCAL NOTE1:DD/1



BUDGET DIRECTOR

Office of Budget and Program Planning

Date: 1-10-83