

Complete Shaded Areas

Form last update 1/18/2012

Proposed 2013 Session Legislation

Agency Name & No: Office of the State Public Defender - 61080

Priority Number: **Filename:**

Short Title: Post Conviction Relief

Agency Contact Person/Phone: Harry Freebourn, 496-6084

1. Purpose:

Allows the conflict manager to hire an attorney to handle post conviction relief cases instead of contracting them out. Amends 47-1-118

2. Background:

3. Fiscal Impact by Fund Type: *This impact should be as specific as possible.*

Unknown level of cost savings

4. Summary Checklist [Check & complete all that apply]--

- Housekeeping Only Federal Requirement Audit Recommendation (Audit No.) Major Legislation
- Anticipated to be Controversial Legislation Bill Draft has been included in Legislation Submittal (if available)
- Supports Submitted EPP Item Number: Local Government Fiscal Impact
- Increases FTE, or Decreases FTE by List FTE amount and program
- Increases Existing Revenue Tax Fee Penalty [amount in #3]
- Decreases Existing Revenue Tax Fee Penalty [amount in #3]
- Establishes New Revenue Tax Fee Penalty [amount in #3]
- Leg. has been Submitted in Previous Legislative Sessions (list priority no, LC no, or bill no):
- Legislation would affect other state agencies (list):
- Special Interest Groups Affected (list):
- Other:

47-1-118. Conflicts of interest. (1) The commission shall establish a conflicts office to contract for attorneys to represent indigent defendants in circumstances where, because of conflict of interest, the public defender program is unable to provide representation to a defendant.

(2) The commission shall appoint a conflicts manager to oversee the office. The conflicts manager reports directly to the commission and not to the chief public defender. The conflicts manager may not handle cases. The conflicts manager shall hire an attorney to handle the postconviction cases where district courts order assignment of counsel following the procedure established in 46-21-201.

(3) All attorneys contracted for conflict of interest cases shall report to the conflicts manager.