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S.F. No. 3712 - Public Defender Law Modifications

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Overview

The bill makes technical and substantive changes to statutes related to co-payment for public defender services; reimbursement for public defender services; appointment and removal of the state public defender, chief appellate public defender, and chief district public defenders; and the budgeting process for the public defender system. It also appropriates an unspecified amount of money to the Board of Public Defense.

Summary

Section 1 eliminates the \$75 co-payment for public defender services. Co-payments are not statutorily appropriated to the Board of Public Defense, but rather are deposited in the general fund. Adoption of this provision will result in an annual general fund shortfall of \$1.1 million.

Section 2 increases the number of members of the Board of Public Defense from outstate judicial districts from three to four. Eliminates the requirement that the Board of Public Defense establish an ad hoc Board of Public Defense to appoint district public defenders.

Section 3 removes references to the “appointed counsel system” and deletes other obsolete language to reflect current practice under a centralized budget system.

Section 4 eliminates the four-year term of the state public defender. Authorizes removal of the state public defender by a two-thirds vote of board members present at a board meeting. Requires the state public defender to establish administrative policies and procedures for the district public defense system, and to develop and administer all public defender training.

Section 5 eliminates the four-year term of the chief appellate public defender. Authorizes removal of the chief appellate public defender by a two-thirds vote of board members present at a board meeting. Removes references to the employment status of assistant state appellate public defenders and language referencing dates that have passed.

Section 6 removes the requirement that the Board of Public Defense must convene an ad hoc board to appoint a chief district public defender. Eliminates the four-year term of the district chief public defenders. Authorizes removal of chief district public defenders by a two-thirds vote of board members present at a board meeting.

Section 7 removes the requirement that the Board of Public Defense review information on the compensation of county attorney when establishing the compensation of the chief district public defenders.

Section 8 strikes obsolete language regarding public defender budget adjustments to the Second and Fourth Judicial Districts (Ramsey and Hennepin counties).

Section 9 removes the requirement that the appointment of assistant district public defenders must be made in a way that ensures broad geographic representation and caseload distribution within the district.

Section 10 strikes language stating that district public defenders in Ramsey and Hennepin counties are county employees.

Section 11 removes references to public defenders who transitioned from being county employees to state employees in 1993 and their ability to retain insurance through the county.

Section 12 eliminates the requirement that a chief district public defender submit a comprehensive budget to the Board of Public Defense. Eliminates the requirement that the board consider the distribution of public defenders and the equity of compensation among the judicial districts when distributing fund to district public defenders.

Section 13 provides that the chief district public defender may request that the state public defender appoint counsel other than the district public defender when the chief public defender does not believe that the office can provide adequate representation.

Section 14 makes a conforming change.

Section 15 provides that all billings for services provided by contract attorneys other than public defenders must be approved by the district public defender before being forwarded to the state public defender for payment using county program aid under section 477A.03, subdivision 2b, paragraph (a). Makes conforming changes.

Section 16 removes references to billing for services related to correctional facility inmates.

Section 17 removes references to situations when a prosecuting attorney appeals to the court of appeals. Makes conforming changes. Increases the maximum amount that can be paid for services rendered under this section from \$5,000 to \$10,000.

Section 18 is a blank appropriation from the general fund to the Board of Public Defense for unspecified purposes. This appropriation would replace the funding lost by the repeal of M.S. 611.20, subd. 3, 4 and 7 regarding public defender reimbursement in section 20 of the bill.

Section 19 directs the revisor to move subdivisions of law from section 611.27(Offices of District Public Defender) to section 611.24 (Chief Appellate Public Defender).

Section 20 repeals the following sections of law:

M.S. 611.20, subdivisions 3, 4, and 7, regarding reimbursement for public defender services. Under current law, if a court determines a defendant has the ability to pay, the court may order reimbursement of public defender costs. Reimbursements are deposited in a separate account in the special revenue fund and statutorily appropriated to the state public defender. Repeal of this section of law will create an annual shortfall in the budget of the Board of Public Defense of approximately \$350,000.

M.S. 611.25, subdivision 3, regarding the duties of the state public defender related to statistical data, budget information, and other cost factors.

M.S. 611.27, subdivisions 6, 9, and 12, regarding the adoption of a uniform case reporting system, request for other appointment of counsel, and reimbursement of appointed counsel.