

## CHAPTER 1002—H. F. No. 704

[Coded]

*An act relating to crimes and criminals; reimbursement for services of public defender and appointive counsel.*

Be it enacted by the Legislature of the State of Minnesota:

Section 1. [611.35] Crimes; public defender; reimbursement of public defender and appointive counsel. [Subdivision 1.] Any person who is represented by a public defender or appointive counsel shall, if he is financially able to pay, reimburse the governmental unit chargeable with the compensation of such public defender or appointive counsel for the actual costs to the governmental unit in providing the services of the public defender or appointive counsel. The court in hearing such matter shall ascertain the amount of such costs to be charged to the defendant and shall direct reimbursement over a period of not to exceed six months, unless the court for good cause shown shall extend the period of reimbursement. If a term of probation is imposed as a part of a sentence, reimbursement of costs as required by this section may be made a condition of probation.

Sec. 2. [611.35] [Subd. 2.] The county attorney may commence a civil action to recover such cost remaining unpaid at the expiration of six months unless the court has extended the reimbursement period and shall, if it appears that such recipient of public defender or appointive counsel services is about to leave the jurisdiction of the court or sell or otherwise dispose of assets out of which reimbursement may be obtained, commence such action forthwith. The county attorney may compromise and settle any claim for reimbursement with the approval of the court which heard the matter. No determination or action shall be taken later than two years after the termination of the duties of the public defender or appointive counsel.

Approved June 6, 1969.

## CHAPTER 1003—H. F. No. 724

[Coded]

*An act relating to probate and conveyances to defeat marital rights.*

**Changes or additions indicated by *italics*, deletions by ~~strikeout~~.**

Be it enacted by the Legislature of the State of Minnesota:

Section 1. **[525.213] Probate; conveyances to defeat marital rights; right of surviving spouse.** A conveyance of assets by a person who retains a power of appointment by will, or a power of revocation or consumption over the principal thereof, shall at the election of his surviving spouse be treated as a testamentary disposition so far as the surviving spouse is concerned to the extent to which the power has been reserved, but the right of the surviving spouse shall be subject to the rights of any income beneficiary whose interest in income becomes vested in enjoyment prior to the death of the conveyor. The provisions of this section shall not apply to any contract of life insurance purchased by a decedent whether payable in trust or otherwise.

Sec. 2. **[525.214] Determination of share.** The spouse may elect to take against any such conveyance and shall be entitled to one third thereof if the conveyor is survived by more than one child, or by one or more children and the issue of a deceased child or children, or by the issue of more than one deceased child, and in all other circumstances one half thereof. In addition thereto, the spouse shall be entitled to personal property selection and maintenance as provided by Minnesota Statutes, Section 525.15, if there are insufficient probate assets to pay the same.

Sec. 3. **[525.215] Election against other conveyances.** A spouse electing under this act also must elect to take against the will, if he is a beneficiary thereunder, and against all other conveyances within the scope of section 1 of which he is a beneficiary.

Sec. 4. **[525.216] Procedure.** The election to treat a conveyance as testamentary shall be made in the same manner as an election to take against the will. If there is a will, such election shall be made within the same time limitations as an election to take against the will. If there is no will, such election shall be made within one year of the conveyor's death, and the probate court, on application of the surviving spouse made within such period, may extend the time for making the election. It can be made only if there has been no forfeiture of the right to make an election. The court having jurisdiction of the deceased conveyor's estate shall determine the rights of the surviving spouse in the property included in the conveyance.

Approved June 6, 1969.

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