

CHAPTER 655—H. F. No. 1714

[Coded in Part]

An act relating to public defenders; providing for adequate legal representation of certain persons who are financially unable to retain counsel; amending Minnesota Statutes 1967, Sections 611.14, 611.18, 611.25, 611.26, Subdivision 1, and Chapter 611 by adding a section.

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

Section 1. Minnesota Statutes 1967, Section 611.14, is amended to read:

611.14 Public defenders; right to representation by public defender. The persons hereinafter described who are financially unable to obtain counsel, shall be entitled to be represented by a public defender:

(a) a person charged with a felony or gross misdemeanor, including such a person when charged pursuant to Minnesota Statutes, Sections 629.01 to 629.29;

(b) a person appealing to the supreme court from a conviction of a felony or gross misdemeanor, or a person convicted of a felony or gross misdemeanor who is pursuing a post-conviction proceeding, after the time for appeal from the judgment has expired; ~~or~~

(c) a person who is entitled to be represented by counsel pursuant to the provisions of Minnesota Statutes, Section 609.14, Subdivision 2, or Section 609.16-;

(d) *a minor who is entitled to be represented by counsel pursuant to the provisions of Minnesota Statutes, Section 260.155, Subdivision 2, if the judge of the juvenile court concerned has requested and received the approval of a majority of the district court judges of the judicial district to utilize the services of the public defender in such cases, and approval of the compensation on a monthly, hourly or per diem basis to be paid for such services pursuant to Minnesota Statutes, Section 260.25, Subdivision 2, clause (e); or*

(e) *a person, entitled by law to be represented by counsel, charged with an offense within the trial jurisdiction of a municipal, county, or probate court with municipal court jurisdiction, presided over by a full time salaried judge or a judge of probate court, if the trial judge or a majority of the trial judges of the court concerned have requested and received approval of a majority of the district court judges of the judicial district to utilize the services of the public*

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defender in such cases and approval of the compensation on a monthly, hourly or per diem basis to be paid for such services by the county or municipality within the court's jurisdiction.

Sec. 2. Minnesota Statutes 1967, Section 611.18, is amended to read:

611.18 Appointment of public defender. When it shall appear to a court or magistrate that a person requesting the appointment of counsel satisfies the requirements of Laws 1965, Chapter 869, the court or magistrate shall order the appropriate public defender to represent him at all further stages of the proceeding through appeal, if any. For those persons appealing to the supreme court from a conviction or pursuing a post conviction proceeding, after the time for appeal has expired, the state public defender shall be appointed. For all other persons covered by section 611.14, a district public defender shall be appointed to represent them. If conflicting interests exist, or if the district public defender for any other reason is unable to act, or if the interests of justice require, the state public defender may be ordered to represent such a person. If at any stage of the proceedings, including an appeal, the court finds that the defendant is financially unable to pay counsel whom he had retained, the court may appoint the appropriate public defender to represent him, as provided in this section. *Provided, however, that prior to any court appearance, a public defender may represent a person accused of violating the law, who appears to be financially unable to obtain counsel, and shall continue to represent such person unless it is subsequently determined that such person is financially able to obtain counsel. Such representation may be made available at the discretion of the public defender, upon the request of such person or someone on his behalf. Any law enforcement officer may notify the public defender of the arrest of any such person.*

Sec. 3. Minnesota Statutes 1967, Section 611.25, is amended to read:

611.25 Powers; duties; limitations. The state public defender shall represent, without charge, a defendant or other person appealing to the supreme court from a conviction or pursuing a post conviction proceeding after the time for appeal has expired when the state public defender is directed so to do by a judge of the district court or of the supreme court. *The state public defender shall represent any other person, who is financially unable to obtain counsel, when directed so to do by the supreme court, except that he shall not represent a person in any action or proceeding in which a party is seeking a monetary judgment, recovery or award.* The state public defender may assist a district public defender in the performance of his

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duties when the district public defender so requests. Whenever the state public defender is directed by a court to represent any defendant or other person, with the approval of the court he may assign such representation to any district public defender.

He also shall supervise the training of all state and district public defenders, and may establish a training course for such purpose.

Sec. 4. Minnesota Statutes 1967, Section 611.26, Subdivision 1, is amended to read:

611.26 District public defenders. Subdivision 1. ~~All~~ *A majority of the judges of any judicial district not subject to the provisions of Minnesota Statutes, Sections 611.12 or 611.13 may, by written order filed with the state judicial council, establish in such district the public defender system provided in Laws 1965, Chapter 869. Such an order shall be effective 30 days after its filing. Notwithstanding this subdivision the state public defender may assist the public defenders of Hennepin and Ramsey counties at their request.*

Sec. 5. Minnesota Statutes 1967, Chapter 611, is amended by adding a section to read:

Sec. [611.271]. **Copies of documents; fees.** *The clerks of all courts and justices of peace shall furnish upon the request of the office of the state public defender copies of any documents in their possession and shall bill the office of the state public defender for these copies after they have been furnished. The fees for such documents shall be \$2.00 plus 12 cents for each page of the documents furnished.*

Approved May 24, 1969.

CHAPTER 656—H. F. No. 1746

[Not Coded]

An act relating to the town of Thomson firemen's relief association; authorizing payment of certain pensions to certain members of the association at an earlier date.

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

Section 1. Subdivision 1. **Thomson, town of; firemen's relief association.** The fire department relief association of the town of Thomson may pay out of its special fund in a lump sum a service

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