

2.1 counsel, may at any time request the court in which the matter is pending, or the court
2.2 in which the conviction occurred, to appoint a public defender to represent the person.
2.3 In a proceeding defined by ~~clause (2) of section 611.14, clause (2),~~ application for the
2.4 appointment of a public defender may also be made to a judge of the Supreme Court.

2.5 Sec. 3. Minnesota Statutes 2010, section 611.18, is amended to read:

2.6 **611.18 APPOINTMENT OF PUBLIC DEFENDER.**

2.7 If it appears to a court that a person requesting the appointment of counsel satisfies
2.8 the requirements of this chapter, the court shall order the ~~appropriate~~ public defender to
2.9 represent the person ~~at all further stages of the proceeding through appeal, if any.~~ For a
2.10 person appealing from a conviction, or a person pursuing a postconviction proceeding and
2.11 who has not already had a direct appeal of the conviction, according to the standards of
2.12 sections 611.14, clause (2), and 611.25, subdivision 1, paragraph (a), clause (2), the ~~state~~
2.13 chief appellate public defender shall be appointed. For a person ~~covered by appealing~~
2.14 from all other convictions or proceedings under section 611.14, clause (1), ~~α~~ (3), or (4), or
2.15 responding to a pretrial appeal, or a person pursuing a postconviction proceeding who
2.16 has not already had a direct appeal of the conviction, the chief district public defender
2.17 shall be appointed to represent that person in the appeal. ~~If (a) conflicting interests exist,~~
2.18 ~~(b) the district public defender for any other reason is unable to act, or (c) the interests~~
2.19 ~~of justice require, the state public defender may be ordered to represent a person. When~~
2.20 ~~the state public defender is directed by a court to represent a defendant or other person,~~
2.21 ~~the state public defender may assign the representation to any district public defender. If~~
2.22 at any stage of the proceedings, ~~including an appeal,~~ the court finds that the defendant is
2.23 financially unable to pay counsel whom the defendant had retained, the court may appoint
2.24 the ~~appropriate~~ public defender to represent the defendant, as provided in this section.
2.25 ~~Prior to any court appearance, a public defender may represent a person accused of~~
2.26 ~~violating the law, who appears to be financially unable to obtain counsel, and shall continue~~
2.27 ~~to represent the person unless it is subsequently determined that the person is financially~~
2.28 ~~able to obtain counsel. The representation may be made available at the discretion of the~~
2.29 ~~public defender, upon the request of the person or someone on the person's behalf. Any~~
2.30 ~~law enforcement officer may notify the public defender of the arrest of any such person.~~

2.31 Sec. 4. Minnesota Statutes 2010, section 611.27, subdivision 5, is amended to read:

2.32 Subd. 5. **District public defender budgets and county payment responsibility.**

2.33 The board of public defense ~~may only~~ shall fund all those items and services ~~in~~ necessary
2.34 for the district public defender ~~budgets which were included in the original budgets of~~

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3.1 ~~district public defender offices as of January 1, 1990. All other public defense related~~
3.2 ~~costs remain the responsibility of the counties unless the state specifically appropriates~~
3.3 ~~for these. The cost of additional state funding of these items and services must be offset~~
3.4 ~~by reductions in local aids in the same manner as the original state takeover to satisfy~~
3.5 its obligations under this chapter. Counties shall not pay and no court shall order any
3.6 county to pay for representation of individuals charged with a crime unless the county has
3.7 established a program for representation in criminal matters.