

CHAPTER 611

RIGHTS OF ACCUSED

611.215 State board of public defense created.
 611.216 Criminal and juvenile defense grants.

611.215 STATE BOARD OF PUBLIC DEFENSE CREATED.

Subdivision 1. **Creation; membership.** There is created a state board of public defense as a part of, but not subject to the administrative control of, the judicial branch of government. The state board of public defense shall consist of seven members appointed by the supreme court including:

- (a) a district, county or county municipal court trial judge;
- (b) four attorneys admitted to the practice of law, well acquainted with the defense of persons accused of crime, but not publicly employed as a prosecutor or defense counsel; and
- (c) two public members.

All members shall demonstrate an interest in maintaining a high quality, independent defense system for those who are unable to obtain adequate representation. In making the four appointments of attorneys at law, the supreme court shall first consider a list of at least three nominees for each position submitted to the supreme court by the state bar association. The terms, compensation and removal of members shall be as provided in section 15.0575. The chairman shall be elected by the members from among the membership for a term of two years.

[For text of subds 2 and 3, see M.S.1984]

History: 1985 c 285 s 49

611.216 CRIMINAL AND JUVENILE DEFENSE GRANTS.

Subdivision 1. **Eligible recipients.** The board of public defense shall establish procedures for public defense corporations based in this state to apply for funding by the legislature. The applications must be submitted to the board. The board must review and prioritize them and include a recommended funding level for each corporation in the budget request the board submits to the legislature. Money appropriated to provide criminal and juvenile defense to indigent individuals must be distributed by the board of public defense to the nonprofit criminal and juvenile defense corporations included in the board's budget request or otherwise designated by law. Money may not be disbursed to a corporation in the Leech Lake reservation area or the White Earth reservation area without prior approval by the respective reservation business committee. Within its geographic area of responsibility each corporation shall accept cases involving felony, gross misdemeanor, and misdemeanor charges and juvenile cases if financial eligibility standards are met, unless there is a legal reason for rejecting a case. A corporation may accept cases arising outside its geographic area of responsibility, as appropriate. Each corporation, in order to ensure broad support, shall provide matching money received from nonstate sources, which may include money from federal agencies, local governments, private agencies, and community groups, equal to ten percent of its state appropriation. The board of public defense shall give notice 30 days in advance and conduct a hearing if it has reasonable grounds to believe money appropriated for this purpose is being improperly used, or if it has reasonable cause to believe criminal and juvenile defense of proper quality is not being supplied. Payment must cease

from the date of notice until either the board of public defense determines that the money appropriated will be properly handled, or the board of public defense determines that criminal and juvenile defense of proper quality will be provided. A participating corporation may give notice at any time of its withdrawal from this program of financial assistance.

[For text of subds 2 and 3, see M.S.1984]

Subd. 4. **Audits.** The legislative auditor may conduct periodic post-award audits of these grants as may be requested by the board of public defense and approved by the legislative audit commission.

History: *1Sp1985 c 13 s 367,368*