

## CHAPTER 611

### RIGHTS OF ACCUSED

611.07 Repealed.  
 611.071 Repealed.  
 611.17 Financial inquiry; statements.  
 611.21 Services other than counsel.  
 611.215 State board of public defense created.

611.25 Powers; duties; limitations.  
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 611.263 County is employer of Ramsey, Hennepin defenders.

**611.07** [Repealed, 1989 c 335 art 1 s 270; art 3 s 57]

**611.071** [Repealed, 1989 c 335 art 1 s 270; art 3 s 57]

#### 611.17 FINANCIAL INQUIRY; STATEMENTS.

Upon a request for the appointment of counsel, the court shall make appropriate inquiry into the financial circumstances of the applicant, who shall submit a financial statement under oath or affirmation setting forth the applicant's assets and liabilities, source or sources of income, and any other information required by the court. The state public defender shall furnish appropriate forms for the financial statements. The information contained in the statement shall be confidential and for the exclusive use of the court, except for any prosecution under section 609.48. A refusal to execute the financial statement constitutes a waiver of the right to the appointment of a public defender.

*History: 1989 c 335 art 1 s 260*

#### 611.21 SERVICES OTHER THAN COUNSEL.

(a) Counsel, whether or not appointed by the court, for a defendant who is financially unable to obtain investigative, expert, or other services necessary to an adequate defense in the case may request them in an ex parte application. Upon finding, after appropriate inquiry in an ex parte proceeding, that the services are necessary and that the defendant is financially unable to obtain them, the court shall authorize counsel to obtain the services on behalf of the defendant. The court may establish a limit on the amount which may be expended or promised for such services. The court may, in the interests of justice, and upon a finding that timely procurement of necessary services could not await prior authorization, ratify such services after they have been obtained, but such ratification shall be given only in unusual situations. The court shall determine reasonable compensation for the services and direct payment by the county in which the prosecution originated, to the organization or person who rendered them, upon the filing of a claim for compensation supported by an affidavit specifying the time expended, services rendered, and expenses incurred on behalf of the defendant, and the compensation received in the same case or for the same services from any other source.

(b) The compensation to be paid to a person for such service rendered to a defendant under this section, or to be paid to an organization for such services rendered by an employee, may not exceed \$1,000, exclusive of reimbursement for expenses reasonably incurred, unless payment in excess of that limit is certified by the court as necessary to provide fair compensation for services of an unusual character or duration and the amount of the excess payment is approved by the chief judge of the district. The chief judge of the judicial district may delegate approval authority to an active district judge.

(c) If the court denies authorizing counsel to obtain services on behalf of the defendant, the court shall make written findings of fact and conclusions of law that state the basis for determining that counsel may not obtain services on behalf of the defendant. When the court issues an order denying counsel the authority to obtain services, the defendant may appeal immediately from that order to the court of appeals and may request an expedited hearing.

*History: 1989 c 335 art 1 s 261*

**611.215 STATE BOARD OF PUBLIC DEFENSE CREATED.**

*[For text of subds 1 and 1a, see M.S.1988]*

Subd. 2. **Duties and responsibilities.** (a) The state board of public defense shall appoint the state public defender, who serves full time for a term of four years. The board shall prepare an annual report to the governor, the legislature, and the supreme court on the operation of the state public defender's office, district defender systems, and public defense corporations. The board shall approve and recommend to the legislature a budget for the board, the office of state public defender, the judicial district public defenders, and the public defense corporations. The board shall establish procedures for distribution of state funding under this chapter to the state and district public defenders, including Hennepin and Ramsey county public defenders, and to the public defense corporations.

(b) The board shall establish standards for the offices of the state and district public defenders and for the conduct of all appointed counsel systems. The standards must include, but are not limited to:

(1) standards needed to maintain and operate an office of public defender including requirements regarding the qualifications, training, and size of the legal and supporting staff for a public defender or appointed counsel system;

(2) standards for public defender caseloads;

(3) standards and procedures for the eligibility for appointment, assessment, and collection of the costs for legal representation provided by public defenders or appointed counsel;

(4) standards for contracts between a board of county commissioners and a county public defender system for the legal representation of indigent persons;

(5) standards prescribing minimum qualifications of counsel appointed under the board's authority or by the courts; and

(6) standards ensuring the economical and efficient delivery of legal services, including alternatives to the present geographic boundaries of the public defender districts.

The board may require the reporting of statistical data, budget information, and other cost factors by the state and district public defenders and appointed counsel systems.

The state board of public defense shall design and conduct programs for the training of all state and district public defenders, appointed counsel, and attorneys for public defense corporations funded in section 611.26.

*[For text of subds 3 and 4, see M.S.1988]*

**History:** 1989 c 335 art 1 s 262

**611.25 POWERS; DUTIES; LIMITATIONS.**

*[For text of subd 1, see M.S.1988]*

Subd. 2. [Repealed, 1989 c 335 art 1 s 270; art 3 s 57]

**611.26 DISTRICT PUBLIC DEFENDERS.**

*[For text of subd 1, see M.S.1988]*

Subd. 2. The state board of public defense shall appoint a district public defender. When appointing a district public defender, the state board of public defense membership shall be increased to include two judges of the district and two county commissioners of the counties within the district. The additional members shall serve only in the capacity of selecting the district public defender. The judges within the district shall elect their two ad hoc members. The two county commissioners within the district shall

be selected by the county boards of the counties within the district. The ad hoc state board of public defense shall appoint a district public defender only after requesting and giving reasonable time to receive any recommendations from the public, the local bar association, the judges of the district, and the county commissioners within the district. Each district public defender shall be a qualified attorney, licensed to practice law in this state. The district public defender shall be appointed for a term of four years, beginning November 1, pursuant to the following staggered term schedule: (1) in 1987, the third and eighth districts; (2) in 1988, the first and tenth districts; (3) in 1989, the fifth and ninth districts; (4) in 1990, the sixth and seventh districts; (5) in 1991, the second, fourth, and eighth districts; and (6) in 1992, the first, third, and tenth districts. The district public defenders shall serve for staggered four-year terms and may be removed for cause upon the order of the state board of public defense. Vacancies in the office shall be filled by the appointing authority for the unexpired term.

*[For text of subds 3 to 7, see M.S.1988]*

**History:** 1989 c 335 art 3 s 36

**NOTE:** Subdivision 2, as amended by Laws 1989, chapter 335, article 3, section 36, is effective July 1, 1990, in all judicial districts except the eighth. See Laws 1989, chapter 335, article 3, section 58, subdivision 2.

**611.263 COUNTY IS EMPLOYER OF RAMSEY, HENNEPIN DEFENDERS.**

Subdivision 1. **Employees.** (a) The district public defender and assistant public defenders of the second judicial district are employees of Ramsey county in the unclassified service under section 383A.286.

(b) The district public defender and assistant public defenders of the fourth judicial district are employees of Hennepin county under section 383B.63, subdivision 6.

Subd. 2. **Public employer.** (a) Notwithstanding section 179A.03, subdivision 15, clause (c), the Ramsey county board is the public employer under the public employment labor relations act for the district public defender and assistant public defenders of the second judicial district.

(b) Notwithstanding section 179A.03, subdivision 15, clause (c), the Hennepin county board is the public employer under the public employment labor relations act for the district public defender and assistant public defenders of the fourth judicial district.

**History:** 1989 c 335 art 3 s 37

**NOTE:** This section, as added by Laws 1989, chapter 335, article 3, section 37, is effective July 1, 1990, in all judicial districts except the eighth. See Laws 1989, chapter 335, article 3, section 58, subdivision 2.