

HOUSE RESEARCH

Bill Summary

FILE NUMBER: H.F. 737

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Version: As Introduced

Authors: Lesch and others

Subject: Defendant's attorney's fees paid by prosecutor

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Overview

This bill specifies that the governmental unit bringing an appeal is not required to pay the attorney's fees and costs of the defendant in such an appeal. The bill states that the governmental unit is not responsible for these costs, notwithstanding a Minnesota Rule of Criminal Procedure, which requires the governmental unit to pay these fees and costs in certain cases.

Section

1 Pursuant to the current Minnesota Rules of Criminal Procedure, the Minnesota Supreme Court has adopted rules requiring a governmental unit to pay the attorney's fees and costs incurred by the defendant on the unit's appeal in the following cases:

- ÿ from a pretrial order of the trial court,
- ÿ from an order granting postconviction relief, and
- ÿ from a judgment of acquittal by the trial court entered after the jury returns a verdict of guilty under certain provisions of the Minnesota Rules of Criminal Procedure.

This bill states that, notwithstanding the relevant Minnesota Rule of Criminal Procedure, the governmental unit is not required to pay attorney's fees and costs in these cases **or** in an appeal from any sentence imposed or stayed by the trial court in a felony case. Current law does not require the governmental unit to pay a defendant's fees and costs in this type of sentencing appeal.