

Subject Amending provisions related to the Board of Public Defense and payment by defendants for public defender services

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Overview

This bill makes technical and substantive changes to statutes related to public defender co-pays; appointment and removal of the chief public defender, chief appellate public defender, and chief district public defenders; and the budgeting process for the public defender system. It also appropriates an unspecified amount of money for the Board of Public Defense.

Summary

Section	Description
1	Financial inquiry; statements; co-payment; standards for district public defense eligibility. Eliminates the requirement that individuals who receive public defender services must pay a \$75 co-payment unless that amount is reduced or waived by the court and makes conforming changes.
2	Structure; membership. Eliminates the requirement that the State Board of Public Defense establish an ad hoc Board of Public Defense to appoint district public defenders.
3	Duties and responsibilities. Removes references to the “appointed counsel system.”
4	State public defender. Eliminates the four-year term for the state public defender. Establishes that the state public defender may be removed by a two-thirds vote of board members. Requires the state public defender to design and conduct programs for training all public defenders, appointed counsel, and attorneys for public defense corporations. Further requires the state public defender to establish statewide standards and policies.

Section	Description
5	<p>Chief appellate public defender; office; assistants.</p> <p>Eliminates the four-year term for the chief appellate public defender. Establishes that the chief appellate public defender may be removed upon the recommendation of the state public defender and a two-thirds vote of the members present at a meeting of the State Board of Public Defense. Removes references to the employment status of assistant state appellate public defenders. Removes language referencing dates that have passed.</p>
6	<p>Appointment; terms.</p> <p>Removes the requirements that the State Board of Public Defense must convene an ad hoc board to appoint a district public defender. Eliminates the four-year terms for chief district public defenders. Establishes that the chief district public defenders may be removed upon the recommendation of the state public defender and a two-thirds vote of the members present at a meeting of the State Board of Public Defense.</p>
7	<p>Compensation.</p> <p>Removes the requirement that the Board of Public Defense review information on the compensation of county attorneys when establishing the compensation of the chief district public defenders.</p>
8	<p>Budget; compensation.</p> <p>Eliminates the authority for the budgets for the district public defender services in the Second District (Ramsey County) and Fourth District (Hennepin County).</p>
9	<p>Assistant public defenders.</p> <p>Removes the requirement that assistant district public defenders be appointed by the board and be appointed to ensure broad geographic representation and caseload distribution within the district.</p>
10	<p>Employees.</p> <p>Removes the statement that the district public defenders in Ramsey and Hennepin Counties are county employees.</p>
11	<p>Transition.</p> <p>Removes references to public defenders who transitioned from being county employees to state employees in 1993 and their ability to retain insurance through the county.</p>
12	<p>Budget.</p> <p>Eliminates the requirement that a chief district public defender submit a comprehensive budget to the State Board of Public Defense. Eliminates the requirement that the board consider the distribution of public defenders and the</p>

Section	Description
	equity of compensation among the judicial districts when distributing funds to district public defenders.
13	Adequate representation; review. Provides that the chief district public defender may request that the state public defender authorize appointment of counsel other than the district public defender when the chief district public defender does not believe that the office can provide adequate representation.
14	Addition of permanent staff. Makes a conforming change.
15	Appointment of counsel. Makes a conforming change and provides that all billings for services performed by attorneys other than public defenders who are state employees must be approved by the district public defender before being forwarded to the state public defender for payment.
16	Correctional facility inmates. Removes references to billing for services related to correctional facility inmates.
17	Appeal by prosecuting attorney; attorney fees. Removes references to situations when a prosecuting attorney appeals to the court of appeals. Makes conforming changes. Increases the maximum amount that can be paid for services rendered under this section from \$5,000 to \$10,000.
18	Appropriation; Board of Public Defense. Appropriates an unidentified amount in fiscal year 2025 for unspecified purposes.
19	Revisor instruction. Directs the revisor to move subdivisions of law from section 611.27 to section 611.24 and renumber the subdivisions.
20	Repealer. Repeals sections of law related to the co-payment and reimbursement for public defender services (section 611.20, subdivisions 3, 4, and 7); the duties of the state public defender related to statistical data, budget information, and other cost factors (section 611.25, subdivision 3); and the reporting of certain information and appointment of counsel other than the district public defenders (section 611.27, subdivisions 6, 9, and 12).



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