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*** Bill No. ***

Introduced By *****

By Request of the Office of the State Public Defender

A Bill for an Act entitled: "An Act amending section 47-01-205, MCA."

Be it enacted by the Legislature of the State of Montana:

Section 1. Section 47-01-205, MCA, is amended to read:

"47-1-205. Office of appellate defender -- chief appellate defender. (1) There is within the office an office of appellate defender. The office of appellate defender must be located in Helena, Montana.

(2) Beginning July 1, 2006, the chief public defender shall hire ~~and supervise~~ a chief appellate defender to manage and supervise the office of appellate defender.

(3) The chief appellate defender shall:

(a) manage and supervise all public defender services provided by the office of appellate defender;

(b) ensure that when a court orders the office to assign an appellate lawyer or when a defendant or

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petitioner is otherwise entitled to an appellate public defender, the assignment is made promptly to a qualified and appropriate appellate defender who is immediately available to the defendant or petitioner when necessary;

(c) ensure that appellate defender assignments comply with the provisions of 47-1-202(7) and standards for counsel for indigent persons in capital cases issued by the Montana supreme court;

(d) hire and supervise the work of office of appellate defender personnel as authorized by the appellate defender;

(e) contract for services as provided in 47-1-216 and as authorized by the chief public defender according to the strategic plan for the delivery of public defender services;

(f) keep a record of appellate defender services and expenses of the appellate defender office and submit records and reports to the chief public defender as requested;

(g) implement standards and procedures established by the commission and the chief public defender for the office of appellate defender;

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(h) maintain a minimum client caseload as determined by the chief public defender; and

(i) confer with the chief public defender on issues relating to budget, with the chief public defender having the responsibility for all budget submissions; and

~~(i)~~ (j) perform all other duties assigned to the chief appellate defender by the chief public defender."

{*Internal References to 47-01-205: None* }

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