

HB 2396 -- LEGAL SERVICES FOR INDIGENT DEFENDANTS

SPONSOR: Ross

Currently, the Director of the Office of State Public Defender must contract for legal services with private attorneys on a case-by-case basis and with assigned counsel as the Public Defender Commission deems necessary considering the needs of the area. This bill repeals this provision and requires the director to contract out legal services with private attorneys for all nonsexual class C and class D, and class E felonies, all misdemeanor cases, all traffic cases, and all probation violation cases. The Office of Administration must handle the bidding process for all the contracts. Contracts must be awarded through a competitive bidding process with the approval of the presiding judge of the judicial circuit where the services are rendered. The process must be designed to award contracts to the lowest and best bidder and must give priority to bidders who exhibit experience in criminal law, demonstrate the capacity to provide effective representation in all assigned cases, and carry sufficient malpractice insurance. The Office of Administration must also administer all contracts made by the director, including contracts for cases that are conflicts of the public defender.