

HOUSE AMENDMENT NO. ____
TO
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Offered By

AMEND House Amendment No. ____ to Senate Committee Substitute for Senate Bill No. 83, Page 1, Line 4, by inserting before the number "528.700." the following:

"476.001. An efficient, well operating and productive judiciary is essential to the preservation of the people's liberty and prosperity. In order to achieve this goal, the general assembly and the supreme court must constantly be aware of the operations, needs, strengths and weaknesses of the judicial system. It is the purpose of sections 476.001, 476.055, 476.330 to 476.380, 476.412, 476.681, and 477.405 to provide the general assembly and the supreme court with the mechanisms to obtain on a continuing basis a comprehensive analysis of judicial resources and an efficient and organized method of identifying the problems and needs as they occur. It is the further purpose of sections 476.001, 476.055, 476.330 to 476.380, 476.412, 476.681, 477.405, 478.073, and 478.320~~], and subdivision (12) of subsection 1 of section 600.042~~ to provide a system for the efficient allocation of available personnel, facilities and resources to achieve a uniform and effective operation of the judicial system."; and

Further amend said amendment, Page 6, Line 1, by deleting the words "provisions."; and" and inserting in lieu thereof the following:

"provisions.

600.042. 1. The director shall:

(1) Direct and supervise the work of the deputy directors and other state public defender office personnel appointed pursuant to this chapter; and he or she and the deputy director or directors may participate in the trial and appeal of criminal actions at the request of the defender;

(2) Submit to the commission, between August fifteenth and September fifteenth of each year, a report which shall include all pertinent data on the operation of the state public defender system, the costs, projected needs, and recommendations for statutory changes. Prior to October fifteenth of each year, the commission shall submit such report along with such recommendations, comments, conclusions, or other pertinent information it chooses to make to the chief justice, the governor, and the general assembly. Such reports shall be a public record, shall be maintained in the office of the state public defender, and shall be otherwise distributed as the commission shall direct;

(3) With the approval of the commission, establish such divisions, facilities and offices and select such professional, technical and other personnel, including investigators, as he deems reasonably necessary for the efficient operation and discharge of the duties of the state public defender system under this chapter;

Action Taken _____ Date _____

1 (4) Administer and coordinate the operations of defender services and be responsible for the
2 overall supervision of all personnel, offices, divisions and facilities of the state public defender
3 system, except that the director shall have no authority to direct or control the legal defense
4 provided by a defender to any person served by the state public defender system;

5 (5) Develop programs and administer activities to achieve the purposes of this chapter;

6 (6) Keep and maintain proper financial records with respect to the provision of all public
7 defender services for use in the calculating of direct and indirect costs of any or all aspects of the
8 operation of the state public defender system;

9 (7) Supervise the training of all public defenders and other personnel and establish such
10 training courses as shall be appropriate;

11 (8) With approval of the commission, promulgate necessary rules, regulations and
12 instructions consistent with this chapter defining the organization of the state public defender system
13 and the responsibilities of division directors, district defenders, deputy district defenders, assistant
14 public defenders and other personnel;

15 (9) With the approval of the commission, apply for and accept on behalf of the public
16 defender system any funds which may be offered or which may become available from government
17 grants, private gifts, donations or bequests or from any other source. Such moneys shall be
18 deposited in the state general revenue fund;

19 (10) Contract for legal services with private attorneys on a case-by-case basis and with
20 assigned counsel as the commission deems necessary considering the needs of the area, for fees
21 approved and established by the commission;

22 (11) With the approval and on behalf of the commission, contract with private attorneys for
23 the collection and enforcement of liens and other judgments owed to the state for services rendered
24 by the state public defender system[;

25 ~~————(12) Prepare a plan to establish district offices, the boundaries of which shall coincide with~~
26 ~~existing judicial circuits. Any district office may contain more than one judicial circuit within its~~
27 ~~boundaries, but in no event shall any district office boundary include any geographic region of a~~
28 ~~judicial circuit without including the entire judicial circuit. The director shall submit the plan to the~~
29 ~~chair of the house judiciary committee and the chair of the senate judiciary committee, with fiscal~~
30 ~~estimates, by December 31, 2014. The plan shall be implemented by December 31, 2021].~~

31 2. No rule or portion of a rule promulgated under the authority of this chapter shall become
32 effective unless it has been promulgated pursuant to the provisions of section 536.024.

33 3. The director and defenders shall, within guidelines as established by the commission and
34 as set forth in subsection 4 of this section, accept requests for legal services from eligible persons
35 entitled to counsel under this chapter or otherwise so entitled under the constitution or laws of the
36 United States or of the state of Missouri and provide such persons with legal services when, in the
37 discretion of the director or the defenders, such provision of legal services is appropriate.

38 4. The director and defenders shall provide legal services to an eligible person:

39 (1) Who is detained or charged with a felony, including appeals from a conviction in such a
40 case;

41 (2) Who is detained or charged with a misdemeanor which will probably result in
42 confinement in the county jail upon conviction, including appeals from a conviction in such a case,
43 unless the prosecuting or circuit attorney has waived a jail sentence;

44 (3) Who is charged with a violation of probation when it has been determined by a judge
45 that the appointment of counsel is necessary to protect the person's due process rights under section
46 559.036;

47 (4) Who has been taken into custody pursuant to section 632.489, including appeals from a
48 determination that the person is a sexually violent predator and petitions for release, notwithstanding
49 any provisions of law to the contrary;

1 (5) For whom the federal constitution or the state constitution requires the appointment of
2 counsel; and

3 (6) Who is charged in a case in which he or she faces a loss or deprivation of liberty, and in
4 which the federal or the state constitution or any law of this state requires the appointment of
5 counsel; however, the director and the defenders shall not be required to provide legal services to
6 persons charged with violations of county or municipal ordinances, or misdemeanor offenses except
7 as provided in this section.

8 5. The director may:

9 (1) Delegate the legal representation of an eligible person to any member of the state bar of
10 Missouri;

11 (2) Designate persons as representatives of the director for the purpose of making indigency
12 determinations and assigning counsel."; and"; and

13
14 Further amend said bill by amending the title, enacting clause, and intersectional references
15 accordingly.

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17 THIS AMENDS 0303S02.02H