

HB 796 -- Public Defenders

Sponsor: Lembke

This bill allows public defenders to provide representation to individuals who are in the custody of the Department of Corrections and who are seeking post-conviction relief; individuals who are in the custody of the department, who have been determined to be indigent, and who have been granted a hearing under provisions relating to post-conviction DNA testing; and individuals who are indigent committed persons seeking conditional or unconditional release.

A public defender may refuse representation when the Director of the Office of State Public Defender determines that resources and caseloads in a jurisdiction are such that the public defender cannot provide competent and effective counsel. In cases where the director declines representation, the court may appoint a member of the Missouri Bar to represent the defendant. A court or a party seeking public defender services is allowed to appeal the determination of indigency made by a defender to the director and specifies that courts may not appoint a public defender or any attorney employed by the Office of State Public Defender to undertake representation in any case.