

SCS SB 611 -- PUBLIC DEFENDER SYSTEM

SPONSOR: Goodman (Pratt)

COMMITTEE ACTION: Voted "do pass" by the Committee on Judiciary by a vote of 10 to 2.

This substitute allows moneys from the General Revenue Fund to pay for contract legal counsel to represent an eligible indigent person charged with a violation for passing a bad check, a misdemeanor offense, or a misdemeanor probation violation that would likely result in confinement in the county jail and for which the federal or state constitution requires the appointment of an attorney. Moneys in the fund can also be used for contract counsel to represent a person involved in a criminal child support action and a person who would normally be represented by a public defender, if the public defender has a conflict of interest in the case. All employees of the Missouri State Public Defender System and members of the Public Defender Commission are disqualified from serving as a contract counsel.

FISCAL NOTE: Estimated Cost on General Revenue Fund of \$0 to \$8,845,000 in FY 2008, \$0 to \$10,932,420 in FY 2009, and \$0 to \$11,260,393 in FY 2010. No impact on Other State Funds in FY 2008, FY 2009, and FY 2010.

PROPONENTS: Supporters say that caseloads for our public defender system in Missouri are out of control and cannot be handled at the current staffing level. Public defenders cannot turn down or refer cases to other attorneys. The bill creates a hybrid system that stops short of the Missouri practice of the early 1980's where all of the public legal services were contracted to private attorneys. The Director of the Missouri Public Defender System will be able to look at the case volume in each jurisdiction and assign contract counsel to help with the backlog.

Testifying for the bill were Senator Goodman; Missouri State Public Defender System; Doug Copeland; Phil Wright, Missouri Associate Circuit Judge Association; and Judicial Conference of Missouri.

OPPONENTS: There was no opposition voiced to the committee.