

Bill No.: SF0013 **Effective:** 7/1/2020 12:00:00 AM

LSO No.: 20LSO-0185

Enrolled Act No.: SEA No. 0015

Chapter No.: 34

Prime Sponsor: Joint Judiciary Interim Committee

Catch Title: **Public defender-indigency standards.**

Subject: Eligibility for public defender representation.

Summary/Major Elements:

- Under current law, the Office of the Public Defender must represent "needy persons" who are arrested or charged with certain crimes.
- The act clarifies who qualifies as a needy person eligible for public-defender representation:
 - A person whose gross income is less than one hundred twenty-five percent (125%) of the current federally established poverty level is needy;
 - A person whose gross income is between one hundred twenty-five percent (125%) and two hundred eighteen percent (218%) of the poverty level may be needy;
 - A person whose gross income is greater than two hundred eighteen percent (218%) of the poverty level cannot be deemed needy for purposes of representation.
- The act provides that a person shall be presumed needy if he receives certain forms of public assistance or is in a mental-health or correctional institution and has no available funds. The act also provides that a court has discretion to determine that extraordinary circumstances exist to warrant representation for the person.
- The act also amends the definition of "needy person" to consider the person's ability to secure legal representation without prejudicing his ability to provide for himself or his family.

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