

CHAPTER 611

RIGHTS OF ACCUSED

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611.07 COUNSEL FOR DEFENSE.

[For text of subds 1 and 2, see M.S.1980]

Subd. 3. When a defendant convicted of a felony or a gross misdemeanor who has appealed to the supreme court or has procured a writ of error, or who has otherwise brought the validity of his conviction before the supreme court for review, applies to the district court and makes an adequate showing that because of his poverty he is unable to pay for a transcript which he reasonably needs in presenting the alleged errors raised for appellate review, the district court shall order a transcript in accordance with Rule 29.02, Subdivision 7, of the rules of criminal procedure.

History: *1Sp1981 c 4 art 2 s 42*

611.12 PUBLIC DEFENDER.

[For text of subds 1 to 6, see M.S.1980]

Subd. 7. **Appearance for criminals pleading guilty.** The public defender shall also appear for and on behalf of criminals who shall have pleaded guilty to a criminal charge in accordance with the rules of criminal procedure.

History: *1Sp1981 c 4 art 2 s 43*

611.215 STATE BOARD OF PUBLIC DEFENSE CREATED.

Subdivision 1. **Creation; membership.** There is created a state board of public defense as a part of, but not subject to the administrative control of, the judicial branch of government. The state board of public defense shall consist of seven members appointed by the governor including:

- (a) A district, county or county municipal court trial judge;
- (b) Four attorneys admitted to the practice of law, well acquainted with the defense of persons accused of crime, but not publicly employed as a prosecutor or defense counsel; and
- (c) Two public members.

All members shall demonstrate an interest in maintaining a high quality, independent defense system for those who are unable to obtain adequate representation. In making the four appointments of attorneys at law, the governor shall first consider a list of at least three nominees for each position submitted to the governor by the state bar association. The terms, compensation and removal of members shall be as provided in section 15.0575. The chairman shall be elected by the members from among the membership for a term of two years.

Subd. 2. **Duties and responsibilities.** The state board of public defense shall have those duties and responsibilities imposed upon it by this chapter.

Subd. 3. **Limitation.** In no event shall the board or its members interfere with the discretion, judgment or zealous advocacy of counsel in their handling of individual cases as a part of the judicial branch of government.

History: 1981 c 356 s 360

611.23 APPOINTMENT; SALARY.

The state public defender shall be appointed by the state board of public defense for a term of four years, except as otherwise provided herein, and until his successor is appointed and qualified. He shall be a qualified attorney, licensed to practice law in this state, serve in the unclassified service of the state, and be removed only for cause by the appointing authority. Vacancies in the office shall be filled by the appointing authority for the unexpired term. The salary of the state public defender shall be fixed by law. Terms of the state public defender shall commence on January 1. The state public defender shall devote full time to the performance of his duties and shall not engage in the general practice of law.

History: 1981 c 356 s 361

611.24 ORGANIZATION OF OFFICE; ASSISTANTS.

The state public defender may employ or retain assistant state public defenders and other personnel as may be necessary to discharge the function of the office. The commissioner of administration shall provide the office with suitable quarters outside the capitol building. An assistant public defender shall be a qualified attorney, licensed to practice law in this state, serve in the unclassified service of the state if employed, and serve at the pleasure of the appointing authority at a salary or retainer fee not to exceed reasonable compensation for comparable services performed for other governmental agencies or departments. Retained or part-time employed assistant state public defenders may engage in the general practice of law.

History: 1981 c 356 s 362

611.26 DISTRICT PUBLIC DEFENDERS.

Subdivision 1. A majority of the judges of any judicial district not subject to the provisions of section 611.12, except the second district, may, by written order filed with the state board of public defense, establish in the district the public defender system provided in Laws 1965, Chapter 869. The order shall be effective 30 days after its filing. Notwithstanding this subdivision the state public defender may assist the public defenders of the second and fourth judicial districts at their request.

Subd. 2. Upon the filing of an order pursuant to subdivision 1 the state board of public defense shall appoint a district public defender after receiving recommendations from the judges of the district. Each district public defender shall be a qualified attorney, licensed to practice law in this state. He shall be appointed for a term of four years. The district public defender may be removed for cause upon the order of the state board of public defense. Vacancies in the office shall be filled by the appointing authority for the unexpired term.

Subd. 3. The compensation of the district public defender for each judicial district shall be set by the board of public defense at a specified sum per month or an hourly or per diem basis.

Subd. 4. A district public defender may appoint assistants, after receiving recommendations from the judges of the district, each of whom shall be a qualified attorney, licensed to practice law in this state, subject to the approval of the board

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of public defense and the provisions of this section. Each assistant district public defender shall serve at the pleasure of the district public defender.

Subd. 5. The compensation of each assistant district public defender for each of the judicial districts shall be set by the district public defender with the approval of the board of public defense, at a specified sum per month or an hourly or per diem basis.

[For text of subds 6 to 8, see M.S.1980]

History: 1981 c 356 s 363-367

611.261 TRANSITION.

A written order filed before July 1, 1981 with the state judicial council establishing a district public defender system shall remain in effect. A district public defender, serving on July 1, 1981, may continue in office until the expiration of the term to which he has been appointed. The state public defender, serving on July 1, 1981, may continue in office until the expiration of the term to which he has been appointed.

History: 1981 c 356 s 368

611.30 RIGHT TO INTERPRETER, STATE POLICY.

It is hereby declared to be the policy of this state that the constitutional rights of persons handicapped in communication cannot be fully protected unless qualified interpreters are available to assist them in legal proceedings. It is the intent of sections 611.30 to 611.34 to provide a procedure for the appointment of interpreters to avoid injustice and to assist persons handicapped in communication in their own defense.

History: 1981 c 131 s 4

611.31 HANDICAPPED PERSON.

For the purposes of sections 611.30 to 611.34, "person handicapped in communication" means a person who because of a hearing, speech or other communication disorder, or because of the inability to speak or comprehend the English language, cannot understand the proceedings or any charges made against him, or is incapable of presenting or assisting in the presentation of his defense.

History: 1981 c 131 s 5

611.33 QUALIFIED INTERPRETER.

[For text of subds 1 to 3, see M.S.1980]

Subd. 4. Whenever a person serves as an interpreter pursuant to sections 611.30 to 611.34, he shall not, without the consent of the person handicapped in communication, be allowed to disclose any privileged communication made by the person or any privileged information gathered from the person which was communicated or gathered during the time when he was serving as an interpreter.

History: 1981 c 131 s 6