

SECOND REGULAR SESSION
[P E R F E C T E D]
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 767
94TH GENERAL ASSEMBLY

Reported from the Committee on the Judiciary and Civil and Criminal Jurisprudence, March 4, 2008, with recommendation that the Senate Committee Substitute do pass.

Senate Committee Substitute for Senate Bill No. 767, adopted March 25, 2008.

Taken up for Perfection March 25, 2008. Bill declared Perfected and Ordered Printed.

TERRY L. SPIELER, Secretary.

3680S.07P

AN ACT

To repeal sections 600.011, 600.015, 600.017, 600.019, 600.021, 600.040, 600.042, 600.048, 600.086, 600.089, 600.090, and 600.096, RSMo, and to enact in lieu thereof fourteen new sections relating to the public defender system, with penalty provisions.

Be it enacted by the General Assembly of the State of Missouri, as follows:

Section A. Sections 600.011, 600.015, 600.017, 600.019, 600.021, 600.040, 2 600.042, 600.048, 600.086, 600.089, 600.090, and 600.096, RSMo, are repealed and 3 fourteen new sections enacted in lieu thereof, to be known as sections 600.011, 4 600.015, 600.017, 600.019, 600.021, 600.040, 600.042, 600.045, 600.048, 600.052, 5 600.086, 600.089, 600.090, and 600.096, to read as follows:

600.011. The following words and phrases as used in this chapter have the 2 following meanings, unless the context otherwise requires:

3 (1) ["Assigned counsel" means private attorneys who are hired by the 4 state public defender director to handle the cases of eligible persons from time to 5 time on a case basis;

6 (2) "Chief deputy director" means the attorney appointed by the 7 commission to assist the state public defender director and to exercise the duties 8 and powers of the director in his absence or upon his resignation;

9 (3) **"Assistant public defender", a staff attorney within a** 10 **particular public defender office responsible for the handling of cases** 11 **of eligible persons;**

EXPLANATION—Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

12 (2) "Commission" [means], the public defender commission;

13 (3) **"Contract counsel", private attorneys who are hired by the**
14 **state public defender director to handle cases of eligible persons, either**
15 **on a case-by-case or ongoing basis;**

16 (4) "Defender(s)", includes both attorneys which serve as staff attorneys
17 in the state defender system and [assigned] **contract counsel** [who provide
18 defense services on a case basis], but does not include secretarial, investigative,
19 social service, or paraprofessional staff;

20 (5) **"Deputy director", the attorney or attorneys appointed by the**
21 **commission to assist the state public defender director and to**
22 **temporarily exercise the duties and powers of the director in his or her**
23 **absence or upon his or her resignation, pending the commission's**
24 **appointment of a new director;**

25 (6) **"Deputy district defender", an attorney who assists the**
26 **district defender in the management and supervision of a public**
27 **defender district office and performs the duty of the district defender**
28 **in his or her absence;**

29 (7) "Director" [means], the state public defender director;

30 [(6)] (8) **"District defender", the managing attorney in charge of**
31 **a public defender district office;**

32 (9) **"Division director", an employee responsible for the**
33 **supervision and management of multiple district offices or areas of**
34 **statewide responsibility as assigned by the director, or both;**

35 (10) "Eligible person" [means], a person who falls within the financial
36 rules for legal representation at public expense prescribed by section 600.086;

37 [(7)] (11) "State public defender system" [means], a system for providing
38 defense services to every jurisdiction within the state by means of a centrally
39 administered organization having a full-time staff.

600.015. 1. There is hereby created the "Public Defender
2 Commission". The commission shall be composed of seven members, four of whom
3 shall be lawyers, appointed by the governor with the advice and consent of the
4 senate. No more than four members shall be of the same political party.

5 2. Upon the expiration of the terms of the persons who are members of the
6 commission on April 1, 1982, the term of office of each commissioner thereafter
7 appointed shall be six years from the time of his **or her** appointment and
8 qualification and until his **or her** successor shall qualify. Vacancies in the
9 commission shall be filled by the governor for the unexpired

10 term. Commissioners may succeed themselves.

11 3. The state public defender director shall, upon appointment, become an
12 ex officio member of the commission without vote and shall participate in all
13 meetings of the commission except during discussions relating to renewal of his
14 **or her** term or to his removal from his office and such other matters as the
15 commission may designate.

16 4. The commission shall meet on a regular basis and shall be presided
17 over by a chairperson elected by its members.

18 5. Commission members shall receive no salaries, but shall receive their
19 actual and necessary expenses incurred in connection with the performance of
20 their duties.

600.017. The commission shall have the following powers together with
2 all powers incident thereto or necessary for the performance thereof:

3 (1) To select the director[,] **and** deputy directors [and public defenders];

4 (2) To draw up procedures, with the assistance of the director, for the
5 selection of [public] **division directors, and district** defenders[, assistant
6 public defenders, and deputy public defenders and staff assistants];

7 (3) Receive client complaints when not resolved by the [defender agency]
8 **state public defender system**, review office performance, and monitor the
9 performance of the director;

10 (4) Assist in insuring the independence of the state public defender
11 system by educating the public regarding constitutional requirements and the
12 function of the defenders;

13 (5) Remove the director or any deputy from office in the event that good
14 cause is shown;

15 (6) Review the budget request prepared by the director, provide advice on
16 the budget request before its submission, and provide support for the request
17 before the legislature;

18 (7) Approve the fee schedule for payment of assigned counsel;

19 (8) Determine matters affecting the compensation, vacations and
20 employment benefits of the state public defender director and the deputy
21 directors;

22 (9) Collect or enforce or contract for the collection and enforcement of liens
23 and judgments in accordance with the provisions of sections 600.011 to 600.048
24 and 600.086 to 600.096 and establish any rules needed for processing any such
25 liens and judgments; [and]

26 (10) **Establish maximum public defender caseload standards to**

27 **ensure the system is adequately fulfilling the state's constitutional**
28 **obligations to provide effective assistance of counsel and is complying**
29 **with the rules of ethical and professional conduct applicable to**
30 **attorneys licensed to practice law in Missouri. In setting such caseload**
31 **standards, the commission shall take into account national defender**
32 **caseload standards, the particulars of local practice, the needs of the**
33 **criminal justice system, and other factors the commission determines**
34 **to be reasonably pertinent; and**

35 (11) Make any rules needed for the administration of the state public
36 defender system.

600.019. 1. The "Office of State Public Defender" is hereby created and
2 established as an independent department of the judicial branch of state
3 government.

4 2. The commission shall appoint a director of the office of state public
5 defender as head of the office. He **or she** shall qualify and be sworn into office
6 by a judge of the supreme court. He **or she** shall be an attorney with substantial
7 experience in the representation of persons accused of crime[. He], shall have
8 experience in administration of personnel, and shall be dedicated to the goals of
9 providing quality legal representation for eligible persons and of improving the
10 quality of defense services generally.

11 3. The director shall devote full time to the duties of his **or her** office and
12 shall not otherwise engage in the practice of law. His **or her** term of office shall
13 be four years and until the appointment and qualification of a successor. His **or**
14 **her** term may be renewable at the discretion of the commission. He **or she** may
15 be removed by the commission during his **or her** term in office for good cause
16 shown after notice and hearing.

17 4. The salary of the director shall be set by the commission but shall not
18 exceed that of a circuit judge.

600.021. 1. The [commission] **director** shall employ persons to be
2 [public] **division directors, district and deputy district** defenders [for a
3 term of four years. A public defender shall employ such persons to be assistant
4 public defenders, deputy public defenders, investigators, and any other employees
5 as are necessary to discharge the function of the office, all of whom shall serve
6 at the pleasure of the employing public defender. Circuit and regional public
7 defenders holding office on April 1, 1982, shall continue to hold such office until
8 the expiration of their terms under the direction of the director as otherwise
9 described in this chapter. Public defenders may be appointed to serve additional

10 terms by the commission], **assistant public defenders, investigators,**
11 **paralegals, and any other employees as are necessary to discharge the**
12 **function of the public defender system, all of whom shall serve at the**
13 **pleasure of the director.**

14 2. [Public] **District** defenders, [assistant public] **deputy district**
15 defenders, and [deputy] **assistant** public defenders shall be attorneys, licensed
16 to practice law in this state, and shall not otherwise engage in the practice of law
17 except as authorized by this chapter or by commission rule. [Public defenders,]
18 Assistant public defenders and [deputy public defenders] **non-attorney staff**
19 may be employed on a full- or part-time basis.

20 3. [The compensation of persons appointed under this section shall be
21 fixed by the commission.

22 4.] The commission may establish such local or regional offices as it
23 deems necessary to properly carry out purposes of this chapter.

24 [5. The commission may appoint, on recommendation of the director, and
25 fix the compensation of all other personnel necessary to the operation of the state
26 public defender system.

27 6.] 4. The commission may **authorize the director to** contract with
28 private attorneys to provide defense services in such areas of the state and on
29 such terms as it deems appropriate.

600.040. 1. The city or county shall provide office space and utility
2 services, other than telephone service, for the [circuit or regional] **district** public
3 defender and his **or her** personnel. If there is more than one county in a [circuit
4 or region] **district**, each county shall contribute, on the basis of population, its
5 pro rata share of the costs of office space and utility services, other than
6 telephone service. The state shall pay, within the limits of the appropriation
7 therefor, all other expenses and costs of the state public defender system
8 authorized under this chapter, **including parking costs for public defender**
9 **system employees.**

10 2. A complete budget for the state public defender system shall be
11 provided through an annual appropriation subject to approval by the governor
12 and the general assembly. The budget request for the state public defender
13 system shall be approved by the commission and submitted directly to the
14 governor and the general assembly by the director and shall not be subject to
15 diminution or alteration by the judicial department of state government.

16 3. Any person who is a public defender or employee of a public defender
17 shall be entitled to all benefits of the Missouri state employees' retirement system

18 as defined in sections 104.310 to 104.550, RSMo.

600.042. 1. The director shall:

2 (1) Direct and supervise the work of the deputy directors and other state
3 public defender office personnel appointed pursuant to this chapter; and he **or**
4 **she** and the [chief] deputy director **or directors** may participate in the trial and
5 appeal of criminal actions at the request of the defender, **upon their own**
6 **discretion**, or upon order of the commission;

7 (2) **Fix the compensation of all personnel necessary to the**
8 **operation of the state public defender system, except that of the deputy**
9 **directors;**

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

19 [(3)] (4) With the approval of the commission, establish such divisions,
20 facilities and offices and select such professional, technical and other personnel,
21 including investigators, as he **or she** deems reasonably necessary for the efficient
22 operation and discharge of the duties of the state public defender system under
23 this chapter;

24 [(4)] (5) Administer and coordinate the operations of defender services
25 and be responsible for the overall supervision of all personnel, offices, divisions
26 and facilities of the state public defender system, except that the director shall
27 have no authority to direct or control the legal defense provided by a defender to
28 any person served by the state public defender system **other than to ensure**
29 **that such defense meets ethical and constitutional obligations to**
30 **provide effective assistance of counsel;**

31 [(5)] (6) Develop programs and administer activities to achieve the
32 purposes of this chapter;

33 [(6)] (7) Keep and maintain proper financial records with respect to the
34 [providing] **provision** of all public defender services for use in the calculating
35 of direct and indirect costs of any or all aspects of the operation of the state
36 public defender system;

37 [(7)] **(8)** Supervise the training of all public defenders, [assistant public
38 defenders, deputy public defenders] and other personnel and establish such
39 training courses as shall be appropriate;

40 [(8)] **(9)** With approval of the commission, promulgate necessary rules,
41 regulations and instructions consistent with this chapter defining the
42 organization of [his office] **the state public defender system** and the
43 responsibilities of [public] **division directors, district** defenders, [assistant
44 public] **deputy district** defenders, [deputy] **assistant** public defenders and
45 other personnel;

46 [(9)] **(10)** With the approval of the commission, apply for and accept on
47 behalf of the public defender system any funds which may be offered or which
48 may become available from government grants, private gifts, donations or
49 bequests or from any other source[. Such moneys shall be deposited in the state
50 general revenue fund];

51 [(10)] **(11)** Contract for legal services with private attorneys [on a
52 case-by-case basis and with assigned counsel] as the commission deems necessary
53 considering the needs of the area, for fees approved and established by the
54 commission;

55 [(11)] **(12)** With the approval and on behalf of the commission, contract
56 with private attorneys for the collection and enforcement of liens and other
57 judgments owed to the state for services rendered by the state public defender
58 system;

59 **(13) Ensure that public defender caseloads remain within the**
60 **maximum public defender caseload standards established by the**
61 **commission. Where the number of eligible cases exceeds the maximum**
62 **caseload standards, the director shall contract the excess cases to**
63 **private counsel to the extent funds are available to do so. If available**
64 **funds are insufficient, the director shall notify the court that the public**
65 **defender is unavailable. Persons determined to be eligible for public**
66 **defender services thereafter shall be placed on a waiting list for public**
67 **defender services under section 600.045.**

68 2. No rule or portion of a rule promulgated under the authority of this
69 chapter shall become effective unless it has been promulgated pursuant to the
70 provisions of section 536.024, RSMo.

71 3. The director and defenders shall, within guidelines as established by
72 the commission and as set forth in subsection 4 of this section, accept requests
73 for legal services from eligible persons entitled to counsel under this chapter or

74 otherwise so entitled under the constitution or laws of the United States or of the
75 state of Missouri and provide such persons with legal services when, in the
76 discretion of the director or the defenders, such provision of legal services is
77 appropriate.

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

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

81 (2) Who is detained or charged with a misdemeanor **in which the**
82 **prosecuting attorney has requested a jail sentence and which** will
83 probably result in confinement in the county jail upon conviction, including
84 appeals from a conviction in such a case;

85 (3) Who is detained or charged with a violation of probation or parole;

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

90 (5) [For whom the federal constitution or the state constitution requires
91 the appointment of counsel; and

92 (6) For whom,] **Who is charged** in a case in which he **or she** faces a
93 loss or deprivation of liberty, **and in which the federal or the state**
94 **constitution or** any law of this state requires the appointment of counsel;
95 however, the director and the defenders shall not be required to provide legal
96 services to persons charged with violations of county or municipal ordinances, **or**
97 **misdemeanor offenses except as provided in this section.**

98 5. The director may:

99 (1) Delegate the legal representation of any person to any member of the
100 state bar of Missouri;

101 (2) Designate persons as representatives of the director for the purpose
102 of making indigency determinations and assigning counsel.

600.045. Where the public defender is unavailable to accept
2 **additional cases of eligible persons due to having reached the**
3 **established maximum caseload standard, the court served by that**
4 **public defender office and the public defender shall proceed in the**
5 **following manner:**

6 (1) **The public defender shall continue to make indigency**
7 **determinations in accordance with section 600.086 and inform the court**
8 **of the indigency status of defendants requesting defender services;**

9 **(2) If, after consultation with the prosecuting attorney, the court**
10 **determines that a case can be disposed of without the imposition of a**
11 **jail or prison sentence, the court may proceed without the provision of**
12 **counsel to the defendant;**

13 **(3) If a jail or prison sentence remains a possible disposition of**
14 **the case, the court shall place the case on a waiting list for defender**
15 **services;**

16 **(4) The court shall determine the order in which cases shall be**
17 **placed on its waiting list for defender services, taking into account the**
18 **seriousness of the case, the incarceration status of the defendant, and**
19 **such other special circumstances as may be brought to the attention of**
20 **the court by the prosecuting attorney, the public defender, or other**
21 **interested parties;**

22 **(5) The commission and the supreme court may make such rules**
23 **and regulations as each deems appropriate to implement this section**
24 **in the most effective and efficient manner within the constitutional**
25 **guarantees of a defendant's right to effective assistance of counsel and**
26 **the laws of this state;**

27 **(6) Nothing in this section shall prevent the court from utilizing**
28 **non-public defender resources to obtain counsel for a defendant on the**
29 **waiting list for public defender services or from appointing private**
30 **counsel in appropriate cases to the extent otherwise permitted by law;**

31 **(7) Private counsel appointed to represent an eligible defendant**
32 **or undertaking such representation on a pro bono basis due to the**
33 **unavailability of public defender services may seek payment of**
34 **litigation expenses from the public defender system. Such litigation**
35 **expenses shall not include counsel fees and shall be limited to those**
36 **expenses approved in advance by the director as reasonably necessary**
37 **for the effective presentation of the defense in the case at hand.**

600.048. 1. It shall be the duty of every person in charge of a jail, police
2 station, constable's or sheriff's office, or detention facility provided by any county
3 to post in a conspicuous place a notice stating in effect:

4 (1) That every person held in custody under a charge or suspicion of a
5 crime is entitled to have a lawyer;

6 (2) That if any such person is held in custody in connection with any of
7 the cases or proceedings set out in section 600.042, and wants a lawyer to
8 represent him **or her** and is unable, without substantial financial hardship to

9 [himself] **self** or his **or her** dependents, to obtain a lawyer, the state will provide
10 a lawyer to represent him [if he requests such representation] **or her upon**
11 **request**; and

12 (3) That if the state provides **such** a lawyer [for him, he], **the client** may
13 be liable to the state for the cost of the services and expenses of the lawyer who
14 handles [his] **the** case if he **or she** is or will be able to pay all or any part of such
15 costs. The notice shall also contain a listing of the cases and proceedings for
16 which defender services are available under section 600.042, and the telephone
17 number of a person or answering service to call to request that a person
18 designated by the state public defender system visit and interview him **or her**,
19 and [give him] **provide** further information.

20 2. A person who is charged or detained in any case listed in section
21 600.042 or who appears in court without counsel at any stage of a case, or any
22 other person on behalf of such person, may request that legal representation be
23 furnished to him **or her** by the state. The court or any person representing the
24 state public defender system to whom such request is made shall first [give him]
25 **provide** a copy of the notice referred to in subsection 1 of this section or call the
26 posted notice to [his] **the charged or detained person's** attention and permit
27 him **or her** to read it or [explain it] **have it explained** to him **or her**. If such
28 person renews a request for state public defender system services, he **or she**
29 shall be required to complete and sign an affidavit in accordance with section
30 600.086[. He] **and** shall be orally informed of the punishment for intentionally
31 falsifying such affidavit.

32 3. It shall be the duty of every person in charge of a jail, police station,
33 constable's or sheriff's office, or detention facility to make a room or place
34 available therein where any person held in custody under a charge or suspicion
35 of a crime will be able to talk privately with his **or her** lawyer, [his] lawyer's
36 representative, or any authorized person responding to [his] **a** request for an
37 interview concerning his **or her** right to counsel.

600.052. 1. The public defender shall not be available for
2 **appointment by the court in noncapital state post-conviction**
3 **proceedings under Missouri supreme court rule 24.035 or 29.15.**

4 **2. Nothing in this section shall prevent the court from utilizing**
5 **non-public defender resources to obtain counsel for a movant in such**
6 **a proceeding or from making pro bono appointments of private counsel**
7 **in appropriate cases to the extent otherwise permitted by law. Nothing**
8 **in this section shall prevent the public defender from entering on such**

9 a case at his or her own discretion where caseloads permit and a
10 determination has been made by the public defender that legitimate
11 grounds for relief exist and manifest injustice is likely to result if
12 counsel is not made available to the movant.

600.086. 1. A person shall be considered eligible for representation under
2 sections 600.011 to 600.048 and 600.086 to 600.096 when it appears from all the
3 circumstances of the case including his **or her** ability to make bond, his **or her**
4 income, and the number of [persons dependent on him for support] **dependents**
5 **such person has**, that the person does not have the means at his **or her**
6 disposal or available to him **or her** to obtain counsel [in his behalf] and is
7 indigent as hereafter determined.

8 2. Within the parameters set by subsection 1 of this section, the
9 commission may establish and enforce such further rules for courts and defenders
10 in determining indigency as may be necessary.

11 3. The determination of indigency of any person seeking the services of
12 the state public defender system shall be made by the defender or anyone serving
13 under him **or her** at any stage of the proceedings. Upon motion by either party,
14 the court in which the case is pending shall have authority to determine whether
15 the services of the public defender may be utilized by the defendant. Upon the
16 courts finding that the defendant is not indigent, the public defender shall no
17 longer represent the defendant. Any such person claiming indigency shall file
18 with the court an affidavit which shall contain the factual information required
19 by the commission under rules which may be established by the commission in
20 determining indigency.

21 4. Any person who intentionally falsifies such affidavit in order to obtain
22 state public defender system services shall be guilty of a class A misdemeanor.

23 5. The director or anyone serving under him **or her** may institute an
24 investigation into the financial status of any person seeking the services of the
25 state public defender system at such times as the circumstances shall warrant.
26 In connection therewith he **or she** shall have the authority to require any person
27 seeking the services of the state public defender system or the parents, guardians
28 or other persons responsible for the support of a person seeking the services of
29 the state public defender system who is a minor or those persons holding property
30 in trust or otherwise for such person to execute and deliver such written
31 authorization as may be necessary to provide the director or anyone serving
32 under him **or her** with access to records of public or private sources, otherwise
33 confidential, or any other information which may be relevant to the making of a

34 decision as to eligibility under this chapter. [The director, chief deputy director,
35 each public defender and each assistant and deputy public defender or designee
36 are] **Any employee of the public defender system** is authorized to obtain
37 information from any office of the state or any subdivision, or agency thereof or
38 political subdivision on request and [without payment of any fees.] any office of
39 the state or any subdivision, or agency thereof or political subdivision from which
40 [the director, chief deputy director, public defender and each assistant and deputy
41 public defender or designee] **a public defender employee** requests information
42 pursuant to this section shall supply such information, without payment of any
43 fees.

44 6. The burden shall lie on the accused or the defendant to convince the
45 defender or the court of his eligibility to receive legal services, in any conference,
46 hearing or question thereon.

600.089. If the public defender commission has obtained a judgment
2 against an offender in the custody of the department of corrections, and the
3 offender is later paroled and becomes financially able to pay all or some part of
4 such judgment, he **or she** shall be required, as a condition of his **or her**
5 continued parole, to pay over to the public defender commission such amounts as
6 he **or she** can reasonably pay, either by a single payment or by installments of
7 reasonable amounts, in accordance with the schedule of charges for public
8 defender services prepared pursuant to section 600.090.

600.090. 1. (1) If a person is determined to be eligible for the services
2 provided by the state public defender system and if, at the time such
3 determination is made, he is able to provide a limited cash contribution toward
4 the cost of his representation without imposing a substantial hardship upon
5 himself or his dependents, such contribution shall be required as a condition of
6 his representation by the state public defender system.

7 (2) If at any time, either during or after the disposition of his case, such
8 defendant becomes financially able to meet all or some part of the cost of services
9 rendered to him, he shall be required to reimburse the commission in such
10 amounts as he can reasonably pay, either by a single payment or by installments
11 of reasonable amounts, in accordance with a schedule of charges for public
12 defender services prepared by the commission.

13 (3) No difficulty or failure in the making of such payment shall reduce or
14 in any way affect the rendering of public defender services to such persons.

15 2. (1) The reasonable value of the services rendered to a defendant
16 pursuant to sections 600.011 to 600.048 and 600.086 to 600.096 may in all cases

17 be a lien on any and all property to which the defendant shall have or acquire an
18 interest. The public defender shall effectuate such lien whenever the reasonable
19 value of the services rendered to a defendant appears to exceed one hundred fifty
20 dollars and may effectuate such lien where the reasonable value of those services
21 appears to be less than one hundred fifty dollars.

22 (2) To effectuate such a lien, the public defender shall, prior to the final
23 disposition of the case or within ten days thereafter, file a notice of lien setting
24 forth the services rendered to the defendant and a claim for the reasonable value
25 of such services with the clerk of the circuit court. The defendant shall be
26 personally served with a copy of such notice of lien. The court shall rule on
27 whether all or any part of the claim shall be allowed. The portion of the claim
28 approved by the court as the value of defender services which has been provided
29 to the defendant shall be a judgment at law. The public defender shall not be
30 required to pay filing or recording fees for or relating to such claim.

31 (3) Such judgment shall be enforceable in the name of the state on behalf
32 of the commission by the prosecuting attorney of the circuit in which the
33 judgment was entered.

34 (4) The prosecuting attorney may compromise and make settlement of, or,
35 with the concurrence of the director, forego any claims for services performed for
36 any person pursuant to this chapter whenever the financial circumstances of such
37 person are such that the best interests of the state will be served by such action.

38 3. The commission may contract with private attorneys for the collection
39 and enforcement of liens and other judgments owed to the state for services
40 rendered by the state public defender system.

41 4. The lien created by this section shall be from the time filed in the court
42 by the defender a charge or claim against any assets of the defendant; provided
43 further that the same shall be served upon the person in possession of the assets
44 or shall be recorded in the office of the recorder of deeds in the county in which
45 the person resides or in which the assets are located.

46 5. Funds collected pursuant to this section and section 600.093 shall be
47 credited to the "Legal Defense and Defender Fund" which is hereby created. The
48 moneys credited to the legal defense and defender fund shall be used for the
49 purpose of training public defenders, assistant public defenders, deputy public
50 defenders and other personnel pursuant to subdivision (7) of subsection 1 of
51 section 600.042, and may be used to pay for expert witness fees, the costs of
52 depositions, travel expenses incurred by witnesses in case preparation and trial,
53 expenses incurred for changes of venue and for other lawful expenses as

54 authorized by the public defender commission.

55 6. The state treasurer shall be the custodian of the legal defense and
56 defender fund, moneys in the legal defense and defender fund shall be deposited
57 the same as are other state funds, and any interest accruing to the legal defense
58 and defender fund shall be added to the legal defense and defender fund. The
59 legal defense and defender fund shall be subject to audit, the same as other state
60 funds and accounts, and shall be protected by the general bond given by the state
61 treasurer.

62 7. Upon the request of the director of the office of state public defender,
63 the commissioner of administration shall approve disbursements from the legal
64 defense and defender fund. The legal defense and defender fund shall be funded
65 annually by appropriation, but any unexpended balance in the fund at the end
66 of the appropriation period not in excess of [one hundred and fifty thousand
67 dollars] **an amount equal to twenty percent of the current annual legal**
68 **defense and defender fund appropriation** shall be exempt from the
69 provisions of section 33.080, RSMo, specifically as they relate to the transfer of
70 fund balances to the general revenue, and shall be the amount of the fund at the
71 beginning of the appropriation period next immediately following.

 600.096. An office of the state, or any department, division, agency or
2 political subdivision thereof, including a prosecutor's office and a police
3 department, shall furnish copies, upon request, of any reports, **photographs,**
4 **recordings,** documents, statements [or], transcripts, **or electronic files**
5 prepared by the state, or any department, division, agency or political subdivision
6 thereof concerning a person represented by the state public defender system to
7 the defender representing such person without charge.

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