

SENATE AMENDMENT NO. 3

Offered by Rizzo of 11th

Amend SS / SCS/HCS/House Bill No. 192, Page 4, Section ~~416~~ 386.515, Line ~~2~~ 1

~~by striking "court procedures" and inserting in lieu thereof the following: "criminal court proceedings", and~~

~~Further amend said bill and page, Section A, Line 2,~~ by inserting after all of said line the following:

"476.001. An efficient, well operating and productive judiciary is essential to the preservation of the people's liberty and prosperity. In order to achieve this goal, the general assembly and the supreme court must constantly be aware of the operations, needs, strengths and weaknesses of the judicial system. It is the purpose of sections 476.001, 476.055, 476.330 to 476.380, 476.412, 476.681, and 477.405 to provide the general assembly and the supreme court with the mechanisms to obtain on a continuing basis a comprehensive analysis of judicial resources and an efficient and organized method of identifying the problems and needs as they occur. It is the further purpose of sections 476.001, 476.055, 476.330 to 476.380, 476.412, 476.681, 477.405, 478.073, and 478.320[, and subdivision (12) of subsection 1 of section 600.042] to provide a system for the efficient allocation of available personnel, facilities and resources to achieve a uniform and effective operation of the judicial system."; and

Further amend said bill, Page 5, Section 558.006, Line 30, by inserting after all of said line the following:

Offered 5/7/19
Adopted 11

1 "600.042. 1. The director shall:

2 (1) Direct and supervise the work of the deputy directors
3 and other state public defender office personnel appointed
4 pursuant to this chapter; and he or she and the deputy director
5 or directors may participate in the trial and appeal of criminal
6 actions at the request of the defender;

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

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

25 (4) Administer and coordinate the operations of defender
26 services and be responsible for the overall supervision of all
27 personnel, offices, divisions and facilities of the state public
28 defender system, except that the director shall have no authority
29 to direct or control the legal defense provided by a defender to

1 any person served by the state public defender system;

2 (5) Develop programs and administer activities to achieve
3 the purposes of this chapter;

4 (6) Keep and maintain proper financial records with respect
5 to the provision of all public defender services for use in the
6 calculating of direct and indirect costs of any or all aspects of
7 the operation of the state public defender system;

8 (7) Supervise the training of all public defenders and
9 other personnel and establish such training courses as shall be
10 appropriate;

11 (8) With approval of the commission, promulgate necessary
12 rules, regulations and instructions consistent with this chapter
13 defining the organization of the state public defender system and
14 the responsibilities of division directors, district defenders,
15 deputy district defenders, assistant public defenders and other
16 personnel;

17 (9) With the approval of the commission, apply for and
18 accept on behalf of the public defender system any funds which
19 may be offered or which may become available from government
20 grants, private gifts, donations or bequests or from any other
21 source. Such moneys shall be deposited in the state general
22 revenue fund;

23 (10) Contract for legal services with private attorneys on
24 a case-by-case basis and with assigned counsel as the commission
25 deems necessary considering the needs of the area, for fees
26 approved and established by the commission;

27 (11) With the approval and on behalf of the commission,
28 contract with private attorneys for the collection and
29 enforcement of liens and other judgments owed to the state for

1 services rendered by the state public defender system[;

2 (12) Prepare a plan to establish district offices, the
3 boundaries of which shall coincide with existing judicial
4 circuits. Any district office may contain more than one judicial
5 circuit within its boundaries, but in no event shall any district
6 office boundary include any geographic region of a judicial
7 circuit without including the entire judicial circuit. The
8 director shall submit the plan to the chair of the house
9 judiciary committee and the chair of the senate judiciary
10 committee, with fiscal estimates, by December 31, 2014. The plan
11 shall be implemented by December 31, 2021].

12 2. No rule or portion of a rule promulgated under the
13 authority of this chapter shall become effective unless it has
14 been promulgated pursuant to the provisions of section 536.024.

15 3. The director and defenders shall, within guidelines as
16 established by the commission and as set forth in subsection 4 of
17 this section, accept requests for legal services from eligible
18 persons entitled to counsel under this chapter or otherwise so
19 entitled under the constitution or laws of the United States or
20 of the state of Missouri and provide such persons with legal
21 services when, in the discretion of the director or the
22 defenders, such provision of legal services is appropriate.

23 4. The director and defenders shall provide legal services
24 to an eligible person:

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

27 (2) Who is detained or charged with a misdemeanor which
28 will probably result in confinement in the county jail upon
29 conviction, including appeals from a conviction in such a case,

1 unless the prosecuting or circuit attorney has waived a jail
2 sentence;

3 (3) Who is charged with a violation of probation when it
4 has been determined by a judge that the appointment of counsel is
5 necessary to protect the person's due process rights under
6 section 559.036;

7 (4) Who has been taken into custody pursuant to section
8 632.489, including appeals from a determination that the person
9 is a sexually violent predator and petitions for release,
10 notwithstanding any provisions of law to the contrary;

11 (5) For whom the federal constitution or the state
12 constitution requires the appointment of counsel; and

13 (6) Who is charged in a case in which he or she faces a
14 loss or deprivation of liberty, and in which the federal or the
15 state constitution or any law of this state requires the
16 appointment of counsel; however, the director and the defenders
17 shall not be required to provide legal services to persons
18 charged with violations of county or municipal ordinances, or
19 misdemeanor offenses except as provided in this section.

20 5. The director may:

21 (1) Delegate the legal representation of an eligible person
22 to any member of the state bar of Missouri;

23 (2) Designate persons as representatives of the director
24 for the purpose of making indigency determinations and assigning
25 counsel."; and

26 Further amend the title and enacting clause accordingly.