



GOVERNOR'S OFFICE OF
BUDGET AND PROGRAM PLANNING

Fiscal Note 2009 Biennium

Bill # SB0379

Title: Clarify public defender for postconviction purposes

Primary Sponsor: Laslovich, Jesse

Status: As Introduced

- | | | |
|---|--|--|
| <input type="checkbox"/> Significant Local Gov Impact | <input type="checkbox"/> Needs to be included in HB 2 | <input type="checkbox"/> Technical Concerns |
| <input type="checkbox"/> Included in the Executive Budget | <input type="checkbox"/> Significant Long-Term Impacts | <input type="checkbox"/> Dedicated Revenue Form Attached |

FISCAL SUMMARY

	<u>FY 2008 Difference</u>	<u>FY 2009 Difference</u>	<u>FY 2010 Difference</u>	<u>FY 2011 Difference</u>
Expenditures:				
General Fund	Unknown	Unknown	Unknown	Unknown
Revenue:				
General Fund	\$0	\$0	\$0	\$0
Net Impact-General Fund Balance	Unknown	Unknown	Unknown	Unknown

Description of fiscal impact:

There is no constitutional right to an attorney in a post conviction proceeding. Section 46-21-201, MCA, affords a statutory right to an attorney if a judge determines there is sufficient merit to a petition to require a hearing. Most judges routinely deal with attorneys, not lay people. A judge may find it preferable to have a petitioner's claims rendered in acceptable form by an attorney, rather than attempting to parse through a pro se writing. Considering the number of convictions for which post conviction relief may be requested, the cost on the public defender system would be high if 46-8-104, MCA, is not restricted in a reasonable way.

Sponsor's Initials

Date

Budget Director's Initials

Date