

HOUSE BILL NO. 103

INTRODUCED BY A. CURTIS

BY REQUEST OF THE PUBLIC DEFENDER COMMISSION

A BILL FOR AN ACT ENTITLED: "AN ACT AUTHORIZING THE PUBLIC DEFENDER CONFLICTS MANAGER TO HIRE AN ASSISTANT PUBLIC DEFENDER TO HANDLE POSTCONVICTION CASES; AND AMENDING SECTION 47-1-118, MCA."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

**Section 1.** Section 47-1-118, MCA, is amended to read:

**"47-1-118. Conflicts of interest.** (1) The commission shall establish a conflicts office to contract for attorneys to represent indigent defendants in circumstances where, because of a conflict of interest, the public defender program is unable to provide representation to a defendant.

(2) The commission shall appoint a conflicts manager to oversee the office. The conflicts manager reports directly to the commission and not to the chief public defender or the chief appellate defender. The conflicts manager may not handle cases.

(3) The conflicts manager may hire an assistant public defender to handle postconviction cases assigned to the office of state public defender by a district court pursuant to the procedures provided in 46-21-201. The assistant public defender hired to handle postconviction proceedings shall report to the conflicts manager.

~~(3)~~(4) All attorneys contracted for conflict of interest cases shall report to the conflicts manager."

- END -