

2012 -- H 7844

=====
LC01740
=====

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2012

—————
A N A C T

RELATING TO CRIMINAL PROCEDURE - PUBLIC DEFENDER

Introduced By: Representatives Tarro, Serpa, Dickinson, and Baldelli-Hunt

Date Introduced: February 28, 2012

Referred To: House Judiciary

It is enacted by the General Assembly as follows:

1 SECTION 1. Section 12-15-9 of the General Laws in Chapter 12-15 entitled "Public
2 Defender" is hereby amended to read as follows:

3 **12-15-9. Eligibility for assistance.** – (a) Every person who seeks the services of the
4 office of the public defender under this chapter must make affidavit under oath that, after
5 payment of necessary expenses for food, shelter and medical care, he or she does not have
6 sufficient income or assets to enable him or her to retain counsel, nor is there any one to whom he
7 or she is entitled to look for support who has that income or assets. The public defender, on his or
8 her own instigation or at the request of a referring court, may require a further financial statement,
9 may require relevant documents, and may conduct any investigation he or she deems appropriate.
10 If the public defender, after examination and investigation of the financial statement, is satisfied
11 that the person submitting it is an indigent defendant, the public defender or one of his or her
12 assistants shall defend the person; provided, that if the public defender is satisfied that the person
13 is not an indigent defendant, he or she shall notify the court which referred the person to the
14 public defender's office of the determination that the person is not an indigent defendant.

15 (b) If services are provided by the public defender or a court-appointed lawyer, the
16 defendant shall, for a district court case, either pay a fifty dollar (\$50.00) fee to a fund set up at
17 the public defender's office, or provide ten (10) hours of community service. For a superior court
18 case, the defendant shall pay a one-hundred dollar (\$100.00) fee or provide twenty (20) hours of
19 community service.

1 SECTION 2. This act shall take effect upon passage.

=====
LC01740
=====

EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF
A N A C T
RELATING TO CRIMINAL PROCEDURE - PUBLIC DEFENDER

1 This act would require that a defendant who obtains the services of a public defender or
2 court-appointed attorney in a district court case be required to pay fifty dollars (\$50.00), or
3 perform ten (10) hours of community service. If he or she obtains the public defender's or court-
4 appointed attorney's assistance in a superior court case, he or she shall pay one hundred dollars
5 (\$100.00) or perform twenty (20) hours of community service.

6 This act would take effect upon passage.

=====
LC01740
=====