

HB 482 -- APPOINTED COUNSEL FUND

SPONSOR: Jones (89)

COMMITTEE ACTION: Voted "do pass by consent" by the Committee on Judiciary by a vote of 14 to 0.

This bill allows municipal courts to create an appointed counsel fund to pay the reasonable attorney fees approved by the court of any attorney appointed to represent a defendant who is indigent and unable to pay for legal representation when prescribed by Supreme Court rules.

Moneys for the fund will come from the \$1 fee collected on each case which currently is deposited into a judicial education fund. The court will determine the allocation of the fees between the accounts, but no court can retain more than \$1,500 in the judicial education fund for each judge, administrator, or clerk of the court and no more than \$5,000 in the appointed counsel fund.

FISCAL NOTE: No impact on state funds in FY 2010, FY 2011, and FY 2012.

PROPOSERS: Supporters say that fines have not been effective in deterring repeat offenders in municipal courts and they often come to court without an attorney on purpose to prevent receiving jail time sentencing since they cannot be sentenced to jail time without having counsel present. The bill will allow a judge to appoint counsel in these situations to better serve the courts.

Testifying for the bill were Representative Jones (89); Jess Ullom; and Missouri Bar.

OPPOSERS: There was no opposition voiced to the committee.