

HOUSE CONCURRENT RESOLUTION NO. 3017

Introduced by

Representatives Carlisle, DeKrey, Mahoney

Senators C. Nelson, Traynor, Urlacher

1 A concurrent resolution directing the Legislative Council to study the method of providing legal
2 representation for indigent criminal defendants and the feasibility and desirability of establishing
3 a public defender system.

4 **WHEREAS**, the Legislative Assembly last considered the establishment of a different
5 method of providing indigent defense services during the forty-third and forty-fourth legislative
6 assemblies and the dynamics and requirements of providing these services have changed
7 considerably since that time; and

8 **WHEREAS**, in response to litigation or increasing costs, other states have found it
9 necessary to conduct studies or enact laws to address issues regarding the effective provision
10 of legal representation for indigent criminal defendants; and

11 **WHEREAS**, costs associated with the indigent defense contract system administered by
12 the North Dakota judicial branch continue to increase in greater proportion than most other
13 costs of the judicial branch; and

14 **WHEREAS**, the current indigent defense contract system poses troubling,
15 conflict-related issues concerning judge involvement in deciding when criminal defense
16 expenses, such as expert witnesses, should be allowed while also presiding in cases involving
17 indigent criminal defendants;

18 **NOW, THEREFORE, BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES**
19 **OF NORTH DAKOTA, THE SENATE CONCURRING THEREIN:**

20 That the Legislative Council study the method of providing legal representation for
21 indigent criminal defendants and the feasibility and desirability of establishing a public defender
22 system; and

23 **BE IT FURTHER RESOLVED**, that the Legislative Council report its findings and
24 recommendations, together with any legislation required to implement the recommendations, to
25 the Fifty-eighth Legislative Assembly.