

**Fifty-seventh Legislative Assembly of North Dakota
In Regular Session Commencing Tuesday, January 9, 2001**

HOUSE CONCURRENT RESOLUTION NO. 3017
(Representatives Carlisle, DeKrey, Mahoney)
(Senators C. Nelson, Traynor, Urlacher)

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

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

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

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

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

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

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

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

Speaker of the House

President of the Senate

Chief Clerk of the House

Secretary of the Senate

Filed in this office this _____ day of _____, 2001,
at _____ o'clock _____ M.

Secretary of State