

HOUSE CONCURRENT RESOLUTION NO. 3004

Introduced by

Legislative Council

(Judiciary A Committee)

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

4 **WHEREAS**, North Dakota is the only state to use a "pure" contract system for providing
5 indigent defense services; and

6 **WHEREAS**, the state's current indigent defense contract system, in which presiding
7 judges supervise the awarding of indigent defense contracts, raises conflict-related issues; and

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

11 **WHEREAS**, attorneys currently and formerly involved in the indigent defense contract
12 process cite heavy caseload and inadequate compensation as issues that need to be
13 addressed in the current system; and

14 **WHEREAS**, judicial districts in rural areas of the state are experiencing a shortage of
15 attorneys who are willing to provide indigent defense services; and

16 **WHEREAS**, the Legislative Council's 2001-02 interim Judiciary A Committee, which
17 was assigned the duty of studying the issues related to indigent defense, recommended that
18 the issues be further studied and monitored;

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

21 That the Legislative Council study the state's method of providing legal representation
22 for indigent persons and the feasibility and desirability of establishing a public defender system;
23 and

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