

SENATE CONCURRENT RESOLUTION NO. 4014

Introduced by

Senator W. Stenehjem

Representative DeKrey

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**, increased criminal penalties, mandatory sentences, and creation of new
5 criminal offenses contribute to the increased cost of enforcing such laws, including the costs of
6 providing legal representation for indigent criminal defendants; and

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

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

14 **WHEREAS**, the Legislative Assembly last considered the establishment of a public
15 defender system during the 1973 and 1975 legislative sessions and the dynamics and
16 requirements regarding criminal defense services for indigents have changed considerably
17 since that time;

18 **NOW, THEREFORE, BE IT RESOLVED BY THE SENATE OF NORTH DAKOTA, THE**
19 **HOUSE OF REPRESENTATIVES 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-seventh Legislative Assembly.