

11-584. Public defender; duties; reimbursement

A. The public defender shall, on order of the court, defend, advise and counsel any person who is entitled to counsel as a matter of law and who is not financially able to employ counsel in the following proceedings and circumstances:

1. Offenses triable in the superior court or justice courts at all stages of the proceedings, including the preliminary examination.
2. Extradition hearings.
3. Mental disorder hearings only if appointed by the court under title 36, chapter 5.
4. Involuntary commitment hearings held pursuant to title 36, chapter 18, only if appointed by the court.
5. Involuntary commitment hearings held pursuant to title 36, chapter 37, if appointed by the court as provided in section 36-3704, subsection C and the board of supervisors has advised the presiding judge of the county that the public defender is authorized to accept these appointments.
6. Juvenile delinquency and incorrigibility proceedings only if appointed by the court under section 8-221.
7. Appeals to a higher court or courts.
8. All juvenile proceedings other than delinquency and incorrigibility proceedings under paragraph 6 of this subsection, including serving as a guardian ad litem, if appointed by the court pursuant to section 8-221 and the board of supervisors has advised the presiding judge of the county that the public defender is authorized to accept these appointments.
9. All mental health hearings regarding release recommendations held before the psychiatric security review board pursuant to section 13-3994, if appointed by the court as provided in section 31-502, subsection A, paragraph 8 and the board of supervisors has advised the presiding judge of the superior court in the county that the public defender is authorized to accept these appointments.
10. As attorneys in any other proceeding or circumstance in which a party is entitled to counsel as a matter of law if the court appoints the public defender and the board of supervisors has advised the presiding judge of the county that the public defender is authorized to accept these appointments as specified.

B. The public defender shall perform the following duties:

1. Keep a record of all services rendered by the public defender in that capacity and file with the board of supervisors an annual report of those services.
2. By December 1 of each year, file with the presiding judge of the superior court, the chief probation officer and the board of supervisors an annual report on the average cost of defending a felony case.

C. Although the services of the public defender or court appointed counsel shall be without expense to the defendant, the juvenile, a parent or any other party, the court may make the following assessments:

1. Order an indigent administrative assessment of not more than twenty-five dollars.
 2. Order an administrative assessment fee of not more than twenty-five dollars to be paid by the juvenile or the juvenile's parent or guardian.
 3. Require that the defendant, including a defendant who is placed on probation, a juvenile, a parent or any other party who is appointed counsel under subsection A of this section repay to the county a reasonable amount to reimburse the county for the cost of the person's legal services. Reimbursement for legal services in a delinquency, dependency or termination proceeding shall be ordered pursuant to section 8-221. Reimbursement for legal services in a guardianship or conservatorship proceeding shall be ordered pursuant to section 14-5414.
- D. In determining the amount and method of payment the court shall take into account the financial resources of the defendant and the nature of the burden that the payment will impose.
- E. Assessments collected pursuant to subsection C of this section shall be paid into the county general fund in the account designed for use solely by the public defender and court appointed counsel to defray the costs of public defenders and court appointed counsel. The assessments shall supplement, not supplant, funding provided by counties for public defense, legal defense and contract indigent defense counsel in each county.