

§1805-A. Indigency determinations; redeterminations; verifications; collections

1. Duties. The executive director shall administer and improve reimbursement of expenses incurred by assigned counsel and contract counsel by:

A. Establishing procedures to ensure that the eligibility of defendants and civil parties is verified and reviewed randomly and when circumstances have changed, information has changed, additional information is provided or as otherwise needed; [PL 2017, c. 284, Pt. UUUU, §14 (NEW).]

B. Petitioning the court to reassess the indigency of a defendant or civil party if the executive director determines that indigency should be reassessed; [PL 2017, c. 284, Pt. UUUU, §14 (NEW).]

C. Providing to the commission recommendations to improve reimbursement of expenses; [PL 2017, c. 284, Pt. UUUU, §14 (NEW).]

D. Requiring that the amount of time spent on each case by assigned counsel or contract counsel is recorded separately for each case; and [PL 2017, c. 284, Pt. UUUU, §14 (NEW).]

E. Receiving from the courts collections for the costs of representation from defendants or civil parties who are found to be partially indigent or who have otherwise been determined to be able to reimburse the commission for expenses incurred by assigned counsel or contract counsel. [PL 2017, c. 284, Pt. UUUU, §14 (NEW).]

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2. Determination of defendant's or civil party's eligibility. The executive director shall provide the court having jurisdiction over a proceeding information used to determine indigency for guidance to the court in determining a defendant's or civil party's financial ability to obtain private counsel.

[PL 2017, c. 284, Pt. UUUU, §14 (NEW).]

3. Partial indigency and reimbursement. This subsection applies to partial indigency and reimbursement of expenses incurred by assigned counsel or contract counsel.

A. If the court determines that a defendant or civil party is unable to pay to obtain private counsel but is able to contribute to payment of assigned counsel or contract counsel, the court shall order the defendant or civil party to make installment payments up to the full cost of representation or to pay a fixed contribution. The court shall remit payments received to the commission. [PL 2017, c. 284, Pt. UUUU, §14 (NEW).]

B. A defendant or civil party may not be required to pay for legal services in an amount greater than the expenses actually incurred. [PL 2017, c. 284, Pt. UUUU, §14 (NEW).]

C. Upon petition of a defendant or civil party who is incarcerated, the court may suspend an order for reimbursement issued pursuant to this subsection until the time of the defendant's or civil party's release. [PL 2017, c. 284, Pt. UUUU, §14 (NEW).]

D. The executive director may enter into contracts to secure the reimbursement of fees and expenses paid by the commission as provided for in this section. [PL 2017, c. 284, Pt. UUUU, §14 (NEW).]

[PL 2017, c. 284, Pt. UUUU, §14 (NEW).]

SECTION HISTORY

PL 2017, c. 284, Pt. UUUU, §14 (NEW).

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