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*** Bill No. ***

Introduced By *****

By Request of the Office of the State Public Defender

A Bill for an Act entitled: "An Act amending section 47-1-118, MCA."

Be it enacted by the Legislature of the State of Montana:

Section 1. Section 47-1-118, MCA, is amended to read:

"47-1-118. Conflicts of interest. (1) The commission shall establish a conflicts office to contract for attorneys to represent indigent defendants in circumstances where, because of conflict of interest, the public defender program is unable to provide representation to a defendant.

(2) The commission shall appoint a conflicts manager to oversee the office. The conflicts manager reports directly to the commission and not to the chief public defender or the chief appellate defender. The conflicts manager may not handle cases. The conflicts manager shall hire an attorney to handle the postconviction cases where district courts order assignment of counsel following the procedure established in 46-21-201.

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(3) All attorneys contracted for conflict of interest cases shall report to the conflicts manager.

(4) All contracting pursuant to this section is exempt from the Montana Procurement Act, as provided in 18-4-132."

{*Internal References to 47-1-118: None* }

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