

HOUSE BILL 596

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5r1508
CF 5r2624

By: **Delegate Dumais**

Introduced and read first time: February 12, 2015

Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Criminal Procedure – Maryland Appointed Attorneys Program Corporation**

3 FOR the purpose of establishing the Maryland Appointed Attorneys Program Corporation;
4 providing that the Corporation is a nonstock corporation; providing that the purpose
5 of the Corporation is to provide legal representation to indigent criminal defendants
6 at initial appearances before District Court commissioners as required by the Court
7 of Appeals in a certain case decision; requiring the Corporation to maintain its
8 principal office in the State and a certain designated agent; requiring the
9 Corporation to file the name and address of a certain designated agent with the State
10 Department of Assessments and Taxation; providing that the Corporation is exempt
11 from certain taxes; providing that the Corporation is not a unit or instrumentality of
12 the State; requiring the Board of Directors of the Corporation to appoint an executive
13 director of the Corporation; establishing the authority and responsibility of the
14 executive director; providing that the executive director is entitled to a certain
15 salary; providing that the executive director may be removed by a majority of the
16 Board; providing that a political test or political qualification may not be used in
17 selecting, appointing, promoting, or taking any other personnel action with respect
18 to an officer, agent, or employee of the Corporation; providing that employees of the
19 Corporation are entitled to salaries as provided in a certain budget; providing that
20 employees of the Corporation are not employees of the State; requiring the
21 Corporation to exercise certain powers granted to a certain nonstock corporation;
22 requiring the Corporation to indemnify the members of the Board and the officers,
23 agents, and employees of the Corporation to a certain extent; requiring the
24 Corporation to publish an annual report and to submit the annual report to the
25 Governor and General Assembly; requiring that the annual report include a certain
26 description; requiring the executive director to prepare an annual budget for the
27 Corporation; requiring the Corporation to submit its budget to the General Assembly
28 in conjunction with the budget request of the Governor's Office of Crime Control and
29 Prevention at a certain time for a certain purpose; requiring a certain budget to
30 include certain information; providing that there is a Board of Directors of the
31 Corporation; specifying the membership of the Board; providing for the term of office

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 of a voting member of the Board; providing that if a vacancy occurs during the term
2 of a voting member of the Board, the Governor shall fill the vacancy; providing for
3 the removal of a voting member; requiring the Board to elect a chair at a certain time
4 and to appoint certain other officers; providing that a member of the Board may not
5 receive compensation as a member of the Board but is entitled to certain
6 reimbursement; requiring the Board to meet at least a certain number of times per
7 year; providing that a meeting of the Board shall be open to the public; providing
8 that nonstate funds received by the Corporation shall be accounted for and reported
9 as receipts and disbursements separate and distinct from State funds; establishing
10 the Maryland Appointed Attorneys Program Corporation Fund; requiring the
11 Governor's Office of Crime Control and Prevention to administer the Fund; providing
12 that the Fund is a special, nonlapsing fund; specifying the contents of the Fund;
13 requiring the Corporation to use the Fund in a certain manner; requiring the
14 Treasurer to invest and reinvest the Fund in a certain manner and credit any
15 investment earnings to the Fund; prohibiting the Treasurer from charging interest
16 against the Fund under certain circumstances; requiring that expenditures from the
17 Fund be made in accordance with a certain appropriation; authorizing the
18 Corporation to accept and use certain money or property received for a certain
19 purpose; prohibiting the Corporation from issuing stock or declaring or paying
20 dividends; prohibiting certain earnings of the Corporation from inuring to the benefit
21 of any individual, with a certain exception; providing that an individual may not
22 share in the distribution of corporate assets at a certain time; providing for the
23 liquidation, dissolution, or winding up of the Corporation; providing that the
24 accounts and transactions of the Fund shall be subject to audit by the legislative
25 auditor; requiring the executive director to maintain a confidential list of private
26 attorneys available to serve as appointed attorneys for indigent individuals eligible
27 for representation under this Act; requiring that each attorney on a certain list be
28 admitted to practice law in the State; requiring the executive director to schedule
29 appointed attorneys as needed to represent indigent individuals at initial
30 appearances statewide; specifying the primary duty of an appointed attorney;
31 requiring an appointed attorney to report to the Corporation in a certain manner;
32 requiring the Corporation to authorize payment of fees and expenses from the Fund
33 to appointed attorneys according to certain schedules; prohibiting an appointed
34 attorney from receiving a certain fee for services; requiring the Corporation to
35 provide staff and technical assistance to a certain appointed attorney; requiring the
36 Corporation to seek to ensure that a certain appointed attorney meets certain
37 standards; providing that representation of an indigent individual by an appointed
38 attorney shall terminate at the conclusion of the initial appearance; providing for the
39 circumstances under which an individual may apply for services of the Corporation;
40 specifying how eligibility for services of the Corporation shall be determined;
41 requiring the Corporation to investigate the financial status of an applicant under
42 certain circumstances; authorizing the Corporation to take certain actions to verify
43 the financial status of an applicant; requiring the Department of Labor, Licensing,
44 and Regulation and the Comptroller to comply with certain requests for information;
45 providing that certain information is confidential and may not be disclosed to any
46 person except under certain circumstances; prohibiting the Corporation from taking
47 certain actions; defining certain terms; providing for the citation of this Act;

1 providing for the termination of this Act; and generally relating to the Maryland
2 Appointed Attorneys Program Corporation.

3 BY adding to

4 Article – Criminal Procedure

5 Section 17–101 through 17–801 to be under the new title “Title 17. Maryland
6 Appointed Attorneys Program Corporation”

7 Annotated Code of Maryland

8 (2008 Replacement Volume and 2014 Supplement)

9 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,
10 That the Laws of Maryland read as follows:

11 **Article – Criminal Procedure**

12 **TITLE 17. MARYLAND APPOINTED ATTORNEYS PROGRAM CORPORATION.**

13 **SUBTITLE 1. DEFINITIONS; GENERAL PROVISIONS.**

14 **17–101.**

15 (A) IN THIS TITLE THE FOLLOWING WORDS HAVE THE MEANINGS
16 INDICATED.

17 (B) “BOARD” MEANS THE BOARD OF DIRECTORS OF THE MARYLAND
18 APPOINTED ATTORNEYS PROGRAM CORPORATION.

19 (C) “CORPORATION” MEANS THE MARYLAND APPOINTED ATTORNEYS
20 PROGRAM CORPORATION.

21 (D) “FUND” MEANS THE MARYLAND APPOINTED ATTORNEYS
22 CORPORATION FUND.

23 (E) “INDIGENT INDIVIDUAL” MEANS AN INDIVIDUAL WHO QUALIFIES AS AN
24 INDIGENT INDIVIDUAL UNDER § 17–601 OF THIS TITLE.

25 (F) “INTERNAL REVENUE CODE” MEANS:

26 (1) TITLE 26 OF THE UNITED STATES CODE; AND

27 (2) REGULATIONS ADOPTED UNDER TITLE 26 OF THE UNITED
28 STATES CODE.

29 **SUBTITLE 2. ORGANIZATION AND ADMINISTRATION OF CORPORATION.**

1 **17-201.**

2 (A) (1) THERE IS A MARYLAND APPOINTED ATTORNEYS PROGRAM
3 CORPORATION.

4 (2) THE CORPORATION IS A NONSTOCK CORPORATION.

5 (B) THE PURPOSE OF THE CORPORATION IS TO PROVIDE LEGAL
6 REPRESENTATION TO INDIGENT CRIMINAL DEFENDANTS AT INITIAL APPEARANCES
7 BEFORE DISTRICT COURT COMMISSIONERS AS REQUIRED BY THE COURT OF
8 APPEALS IN DEWOLFE V. RICHMOND, 434 MD. 444 (2013).

9 **17-202.**

10 (A) (1) THE CORPORATION SHALL MAINTAIN:

11 (I) ITS PRINCIPAL OFFICE IN THE STATE; AND

12 (II) A DESIGNATED AGENT TO ACCEPT SERVICE OF PROCESS.

13 (2) THE CORPORATION SHALL FILE THE NAME AND ADDRESS OF THE
14 DESIGNATED AGENT WITH THE STATE DEPARTMENT OF ASSESSMENTS AND
15 TAXATION.

16 (B) THE CORPORATION IS EXEMPT FROM ANY SPECIAL TAX, PROPERTY TAX,
17 RECORDATION TAX, OR TRANSFER TAX IMPOSED BY THE STATE OR A POLITICAL
18 SUBDIVISION OF THE STATE.

19 (C) EXCEPT AS OTHERWISE PROVIDED IN THIS TITLE, THE CORPORATION
20 IS NOT A UNIT OR INSTRUMENTALITY OF THE STATE.

21 **17-203.**

22 (A) THE BOARD SHALL APPOINT AN EXECUTIVE DIRECTOR OF THE
23 CORPORATION.

24 (B) (1) THE EXECUTIVE DIRECTOR IS THE CHIEF EXECUTIVE OFFICER OF
25 THE CORPORATION.

26 (2) SUBJECT TO THIS TITLE AND POLICIES ESTABLISHED BY THE
27 BOARD, THE EXECUTIVE DIRECTOR HAS THE AUTHORITY AND RESPONSIBILITY FOR:

28 (I) ADMINISTERING THE AFFAIRS OF THE CORPORATION;

1 (II) APPOINTING AND REMOVING EMPLOYEES AND
2 INDEPENDENT CONTRACTORS AS NECESSARY TO CARRY OUT THE PURPOSES OF
3 THIS TITLE;

4 (III) PREPARING SCHEDULES OF PROFESSIONAL FEES AND
5 EXPENSES FOR APPOINTED ATTORNEYS;

6 (IV) ENTERING INTO CONTRACTS;

7 (V) EXERCISING POWERS INCIDENT TO THE OFFICE OF THE
8 EXECUTIVE DIRECTOR; AND

9 (VI) PERFORMING OTHER DUTIES THAT THE BOARD
10 PRESCRIBES.

11 (C) THE EXECUTIVE DIRECTOR IS ENTITLED TO A SALARY AS PROVIDED IN
12 THE BUDGET OF THE CORPORATION.

13 (D) THE EXECUTIVE DIRECTOR MAY BE REMOVED BY A MAJORITY OF THE
14 BOARD.

15 17-204.

16 (A) A POLITICAL TEST OR POLITICAL QUALIFICATION MAY NOT BE USED IN
17 SELECTING, APPOINTING, PROMOTING, OR TAKING ANY OTHER PERSONNEL ACTION
18 WITH RESPECT TO AN OFFICER, AGENT, OR EMPLOYEE OF THE CORPORATION.

19 (B) EMPLOYEES OF THE CORPORATION ARE ENTITLED TO SALARIES AS
20 PROVIDED IN THE BUDGET OF THE CORPORATION.

21 (C) EMPLOYEES OF THE CORPORATION ARE NOT EMPLOYEES OF THE
22 STATE.

23 17-205.

24 TO THE EXTENT CONSISTENT WITH THIS TITLE, THE CORPORATION SHALL
25 EXERCISE THE POWERS GRANTED TO A NONSTOCK CORPORATION UNDER TITLE 5,
26 SUBTITLE 2 OF THE CORPORATIONS AND ASSOCIATIONS ARTICLE.

27 17-206.

1 THE CORPORATION SHALL INDEMNIFY THE MEMBERS OF THE BOARD AND
2 THE OFFICERS, AGENTS, AND EMPLOYEES OF THE CORPORATION TO THE EXTENT
3 AUTHORIZED UNDER THE MARYLAND GENERAL CORPORATION LAW.

4 17-207.

5 (A) (1) THE CORPORATION SHALL PUBLISH AN ANNUAL REPORT.

6 (2) THE CORPORATION SHALL SUBMIT THE ANNUAL REPORT TO THE
7 GOVERNOR AND, SUBJECT TO § 2-1246 OF THE STATE GOVERNMENT ARTICLE, THE
8 GENERAL ASSEMBLY.

9 (B) THE REPORT SHALL INCLUDE A DESCRIPTION OF SERVICES PROVIDED.

10 17-208.

11 (A) THE EXECUTIVE DIRECTOR SHALL PREPARE AN ANNUAL BUDGET FOR
12 THE CORPORATION.

13 (B) (1) FOR INFORMATIONAL PURPOSES ONLY, THE CORPORATION
14 SHALL SUBMIT ITS BUDGET TO THE GENERAL ASSEMBLY IN CONJUNCTION WITH
15 THE BUDGET REQUEST OF THE GOVERNOR'S OFFICE OF CRIME CONTROL AND
16 PREVENTION ON NOVEMBER 1 OF EACH YEAR.

17 (2) THE INFORMATIONAL BUDGET REQUIRED UNDER THIS
18 SUBSECTION SHALL INCLUDE 3 YEARS OF DATA, INCLUDING THE MOST RECENTLY
19 COMPLETED FISCAL YEAR, AN ESTIMATE FOR THE CURRENT FISCAL YEAR, AND AN
20 ESTIMATE FOR THE NEXT FISCAL YEAR, INCLUDING:

21 (I) A SUMMARY OF TOTAL EXPENDITURES AND THE SOURCES
22 OF REVENUE THAT SUPPORT THAT SPENDING;

23 (II) LINE ITEM EXPENDITURE DETAIL FOR PERSONNEL AND
24 OPERATING EXPENSES;

25 (III) NARRATIVE EXPLANATIONS OF ALL REVENUE AND
26 SPENDING CHANGES BETWEEN THE CURRENT FISCAL YEAR AND THE NEXT FISCAL
27 YEAR;

28 (IV) PERFORMANCE MEASUREMENT DATA THAT DETAILS THE
29 USE OF FUNDS; AND

1 (V) DETAIL ON THE CORPORATION'S RESERVE FUND,
2 INCLUDING ACTUAL AND ESTIMATED END OF FISCAL YEAR BALANCES, TRANSFERS
3 TO AND FROM THE RESERVE FUND, AND THE POLICIES GOVERNING THE RESERVE
4 FUND.

5 SUBTITLE 3. BOARD OF DIRECTORS.

6 17-301.

7 (A) THERE IS A BOARD OF DIRECTORS OF THE CORPORATION.

8 (B) (1) THE BOARD CONSISTS OF:

9 (I) NINE VOTING MEMBERS APPOINTED BY THE GOVERNOR
10 WITH THE ADVICE AND CONSENT OF THE SENATE; AND

11 (II) THE EXECUTIVE DIRECTOR, WHO IS A NONVOTING EX
12 OFFICIO MEMBER.

13 (2) VOTING MEMBERS SHALL BE RESIDENTS OF THE STATE AND
14 SHALL REPRESENT THE DIFFERENT GEOGRAPHICAL REGIONS OF THE STATE.

15 (3) FIVE VOTING MEMBERS SHALL BE LAWYERS ADMITTED TO THE
16 BAR IN THE STATE AND FOUR VOTING MEMBERS SHALL BE NONLAWYERS.

17 (C) A VOTING MEMBER OF THE BOARD IS NOT AN OFFICER OR EMPLOYEE
18 OF THE STATE.

19 (D) (1) THE TERM OF OFFICE OF A VOTING MEMBER IS 3 YEARS AND 9
20 MONTHS.

21 (2) IF A VACANCY OCCURS DURING THE TERM OF A VOTING MEMBER,
22 THE GOVERNOR SHALL FILL THE VACANCY.

23 (E) (1) A VOTING MEMBER MAY BE REMOVED BY A VOTE OF SEVEN
24 MEMBERS.

25 (2) A VOTING MEMBER MAY ONLY BE REMOVED FOR:

26 (I) MALFEASANCE IN OFFICE;

27 (II) PERSISTENT NEGLECT OF OR INABILITY TO DISCHARGE
28 DUTIES; OR

1 (III) OFFENSES INVOLVING MORAL TURPITUDE.

2 17-302.

3 (A) FROM AMONG ITS VOTING MEMBERS, THE BOARD ANNUALLY SHALL
4 ELECT A CHAIR.

5 (B) FROM AMONG ITS MEMBERS, THE BOARD SHALL APPOINT A
6 SECRETARY, A TREASURER, AND OTHER OFFICERS.

7 17-303.

8 A MEMBER OF THE BOARD:

9 (1) MAY NOT RECEIVE COMPENSATION AS A MEMBER OF THE BOARD;
10 BUT

11 (2) IS ENTITLED TO REIMBURSEMENT FOR NECESSARY EXPENSES
12 INCURRED IN CONNECTION WITH SERVICE ON THE BOARD AS PROVIDED IN THE
13 BUDGET OF THE CORPORATION.

14 17-304.

15 (A) THE BOARD SHALL MEET AT LEAST FOUR TIMES A YEAR.

16 (B) EXCEPT AS PROVIDED IN § 3-305 OF THE GENERAL PROVISIONS
17 ARTICLE, A MEETING OF THE BOARD SHALL BE OPEN TO THE PUBLIC.

18 SUBTITLE 4. FUNDING.

19 17-401.

20 NONSTATE FUNDS RECEIVED BY THE CORPORATION SHALL BE ACCOUNTED
21 FOR AND REPORTED AS RECEIPTS AND DISBURSEMENTS SEPARATE AND DISTINCT
22 FROM STATE FUNDS.

23 17-402.

24 (A) THERE IS A MARYLAND APPOINTED ATTORNEYS PROGRAM
25 CORPORATION FUND.

1 **(B) THE GOVERNOR'S OFFICE OF CRIME CONTROL AND PREVENTION**
2 **SHALL ADMINISTER THE FUND.**

3 **(C) THE FUND IS A SPECIAL, NONLAPSING FUND THAT IS NOT SUBJECT TO**
4 **§ 7-302 OF THE STATE FINANCE AND PROCUREMENT ARTICLE.**

5 **(D) THE FUND CONSISTS OF:**

6 **(1) MONEY DISTRIBUTED TO THE FUND FROM THE GENERAL FUND**
7 **OF THE STATE OR ANY STATE SPECIAL FUND;**

8 **(2) INVESTMENT EARNINGS OF THE FUND; AND**

9 **(3) MONEY RECEIVED BY THE FUND FROM ANY OTHER SOURCE.**

10 **(E) THE CORPORATION SHALL USE THE FUND TO FINANCE THE PROVISION**
11 **OF LEGAL REPRESENTATION TO INDIGENT CRIMINAL DEFENDANTS AT INITIAL**
12 **APPEARANCES UNDER THIS TITLE.**

13 **(F) THE STATE TREASURER SHALL:**

14 **(1) INVEST AND REINVEST THE FUND IN THE SAME MANNER AS**
15 **OTHER STATE FUNDS; AND**

16 **(2) CREDIT ANY INVESTMENT EARNINGS TO THE FUND AND MAY NOT**
17 **CHARGE INTEREST AGAINST THE FUND IF THE AVERAGE DAILY NET CASH BALANCE**
18 **FOR THE MONTH IS LESS THAN \$0.**

19 **(G) EXPENDITURES FROM THE FUND SHALL BE MADE IN ACCORDANCE**
20 **WITH AN APPROPRIATION REQUESTED BY THE JUDICIAL BRANCH OF THE STATE**
21 **GOVERNMENT UNDER § 7-108 OF THE STATE FINANCE AND PROCUREMENT**
22 **ARTICLE AND APPROVED BY THE GENERAL ASSEMBLY IN THE STATE BUDGET OR**
23 **BY THE BUDGET AMENDMENT PROCEDURE UNDER § 7-208.1 OF THE STATE**
24 **FINANCE AND PROCUREMENT ARTICLE.**

25 **17-403.**

26 **THE CORPORATION SHALL ACCEPT AND USE ANY MONEY OR PROPERTY**
27 **RECEIVED BY GIFT, DEVISE, BEQUEST, OR OTHERWISE TO FURTHER THE PURPOSES**
28 **OF THIS TITLE.**

29 **17-404.**

1 THE CORPORATION MAY NOT ISSUE STOCK OR DECLARE OR PAY DIVIDENDS.

2 17-405.

3 (A) (1) THIS SUBSECTION DOES NOT APPLY TO REASONABLE
4 COMPENSATION PAID FOR SERVICES RENDERED TO OR FOR THE CORPORATION.

5 (2) NET EARNINGS OF THE CORPORATION MAY NOT INURE TO THE
6 BENEFIT OF ANY INDIVIDUAL.

7 (B) AN INDIVIDUAL MAY NOT SHARE IN THE DISTRIBUTION OF CORPORATE
8 ASSETS ON DISSOLUTION OF THE CORPORATION.

9 17-406.

10 ON THE LIQUIDATION, DISSOLUTION, OR WINDING UP OF THE CORPORATION,
11 AFTER PAYMENT OF THE OBLIGATIONS AND LIABILITIES OF THE CORPORATION, ALL
12 THE ASSETS OF THE CORPORATION SHALL BE TRANSFERRED TO ONE OR MORE
13 CORPORATIONS OR ASSOCIATIONS THAT:

14 (1) HAVE A CHARACTER OR PURPOSE SIMILAR TO THE
15 CORPORATION'S;

16 (2) ARE SELECTED BY THE BOARD; AND

17 (3) QUALIFY UNDER § 501(C)(3) OF THE INTERNAL REVENUE CODE.

18 17-407.

19 THE ACCOUNTS AND TRANSACTIONS OF THE FUND SHALL BE SUBJECT TO
20 AUDIT BY THE LEGISLATIVE AUDITOR AS PROVIDED IN § 2-1220 OF THE STATE
21 GOVERNMENT ARTICLE.

22 SUBTITLE 5. LEGAL SERVICES.

23 17-501.

24 (A) (1) THE EXECUTIVE DIRECTOR SHALL MAINTAIN A CONFIDENTIAL
25 LIST OF PRIVATE ATTORNEYS AVAILABLE TO SERVE AS APPOINTED ATTORNEYS FOR
26 INDIGENT INDIVIDUALS ELIGIBLE FOR REPRESENTATION UNDER THIS TITLE.

27 (2) EACH ATTORNEY ON THE LIST SHALL BE ADMITTED TO PRACTICE
28 LAW IN THE STATE.

1 **(B) THE EXECUTIVE DIRECTOR SHALL SCHEDULE APPOINTED ATTORNEYS**
2 **AS NEEDED TO REPRESENT INDIGENT INDIVIDUALS AT INITIAL APPEARANCES**
3 **STATEWIDE.**

4 **(C) (1) THE PRIMARY DUTY OF AN APPOINTED ATTORNEY IS TO THE**
5 **INDIGENT INDIVIDUAL REPRESENTED BY THE APPOINTED ATTORNEY WITH THE**
6 **SAME EFFECT AND PURPOSE AS THOUGH PRIVATELY ENGAGED BY THAT INDIVIDUAL**
7 **AND WITHOUT REGARD TO THE USE OF PUBLIC FUNDS TO PROVIDE THE SERVICE.**

8 **(2) AN APPOINTED ATTORNEY SHALL REPORT TO THE CORPORATION**
9 **AS THE POLICIES AND RULES OF THE CORPORATION REQUIRE.**

10 **(D) (1) THE CORPORATION SHALL AUTHORIZE PAYMENT OF FEES AND**
11 **EXPENSES FROM THE FUND TO APPOINTED ATTORNEYS ACCORDING TO SCHEDULES**
12 **PREPARED UNDER § 17-203(B)(2)(III) OF THIS TITLE.**

13 **(2) AN APPOINTED ATTORNEY MAY NOT RECEIVE A FEE FOR**
14 **SERVICES IN ADDITION TO THAT PROVIDED IN ACCORDANCE WITH THIS TITLE.**

15 **(E) THE CORPORATION SHALL PROVIDE STAFF AND TECHNICAL**
16 **ASSISTANCE TO AN ATTORNEY APPOINTED TO REPRESENT AN INDIGENT**
17 **INDIVIDUAL.**

18 **17-502.**

19 **THE CORPORATION SHALL SEEK TO ENSURE THAT AN APPOINTED ATTORNEY**
20 **PROVIDING LEGAL ASSISTANCE TO ELIGIBLE CLIENTS:**

21 **(1) MAINTAINS THE HIGHEST QUALITY OF SERVICE AND**
22 **PROFESSIONAL STANDARDS;**

23 **(2) PRESERVES ATTORNEY-CLIENT RELATIONSHIPS; AND**

24 **(3) PROTECTS THE INTEGRITY OF THE ADVERSARY PROCESS FROM**
25 **ANY IMPAIRMENT.**

26 **17-503.**

27 **REPRESENTATION OF AN INDIGENT INDIVIDUAL BY AN APPOINTED ATTORNEY**
28 **SHALL TERMINATE AT THE CONCLUSION OF THE INITIAL APPEARANCE.**

29 **SUBTITLE 6. CLIENTS.**

1 **17-601.**

2 (A) AN INDIVIDUAL MAY APPLY FOR SERVICES OF THE CORPORATION AS AN
3 INDIGENT INDIVIDUAL, IF THE INDIVIDUAL STATES IN WRITING UNDER OATH OR
4 AFFIRMATION THAT THE INDIVIDUAL, WITHOUT UNDUE FINANCIAL HARDSHIP,
5 CANNOT PROVIDE THE FULL PAYMENT OF AN ATTORNEY AND ALL OTHER
6 NECESSARY EXPENSES OF REPRESENTATION IN AN INITIAL APPEARANCE BEFORE A
7 DISTRICT COURT COMMISSIONER.

8 (B) FOR AN INDIVIDUAL WHOSE ASSETS AND NET ANNUAL INCOME ARE LESS
9 THAN 100% OF THE FEDERAL POVERTY GUIDELINES, ELIGIBILITY FOR SERVICES OF
10 THE CORPORATION MAY BE DETERMINED WITHOUT AN ASSESSMENT REGARDING
11 THE NEED OF THE APPLICANT.

12 (C) (1) FOR AN INDIVIDUAL WHOSE ASSETS AND NET ANNUAL INCOME
13 EQUAL OR EXCEED 100% OF THE FEDERAL POVERTY GUIDELINES, ELIGIBILITY FOR
14 THE SERVICES OF THE CORPORATION SHALL BE DETERMINED BY THE NEED OF THE
15 APPLICANT.

16 (2) NEED SHALL BE MEASURED ACCORDING TO THE FINANCIAL
17 ABILITY OF THE APPLICANT TO ENGAGE AND COMPENSATE A COMPETENT PRIVATE
18 ATTORNEY AND TO PROVIDE ALL OTHER NECESSARY EXPENSES OF
19 REPRESENTATION.

20 (3) FINANCIAL ABILITY SHALL BE DETERMINED BY:

21 (I) THE NATURE, EXTENT, AND LIQUIDITY OF ASSETS;

22 (II) THE DISPOSABLE NET INCOME OF THE APPLICANT;

23 (III) THE NATURE OF THE OFFENSE;

24 (IV) THE LENGTH AND COMPLEXITY OF THE PROCEEDINGS;

25 (V) THE EFFORT AND SKILL REQUIRED TO GATHER PERTINENT
26 INFORMATION; AND

27 (VI) ANY OTHER FORESEEABLE EXPENSE.

28 (D) (1) THE CORPORATION SHALL INVESTIGATE THE FINANCIAL STATUS
29 OF AN APPLICANT WHEN THE CIRCUMSTANCES WARRANT.

1 **(2) THE CORPORATION MAY:**

2 **(I) REQUIRE AN APPLICANT TO EXECUTE AND DELIVER**
3 **WRITTEN REQUESTS OR AUTHORIZATIONS THAT ARE NECESSARY UNDER LAW TO**
4 **PROVIDE THE CORPORATION WITH ACCESS TO CONFIDENTIAL RECORDS OF PUBLIC**
5 **OR PRIVATE SOURCES THAT ARE NEEDED TO EVALUATE ELIGIBILITY; AND**

6 **(II) ON REQUEST, OBTAIN INFORMATION WITHOUT CHARGE**
7 **FROM A PUBLIC RECORD OFFICE OR OTHER UNIT OF THE STATE, COUNTY, OR**
8 **MUNICIPAL CORPORATION.**

9 **(3) (I) THE CORPORATION MAY SUBMIT REQUESTS TO THE**
10 **DEPARTMENT OF LABOR, LICENSING, AND REGULATION AND THE COMPTROLLER**
11 **FOR INFORMATION REGARDING THE EMPLOYMENT STATUS AND INCOME OF**
12 **APPLICANTS.**

13 **(II) EACH REQUEST SHALL BE ACCOMPANIED BY AN**
14 **AUTHORIZATION FOR RELEASE OF INFORMATION THAT IS:**

15 **1. IN A FORM ACCEPTABLE TO THE AGENCY TO WHICH**
16 **THE REQUEST IS SUBMITTED; AND**

17 **2. SIGNED BY THE APPLICANT.**

18 **(III) THE DEPARTMENT OF LABOR, LICENSING, AND**
19 **REGULATION AND THE COMPTROLLER SHALL COMPLY WITH REQUESTS FOR**
20 **INFORMATION MADE BY THE CORPORATION UNDER THIS PARAGRAPH.**

21 **(IV) REQUESTS AND RESPONSIVE INFORMATION MAY BE**
22 **EXCHANGED BY FACSIMILE TRANSMISSION.**

23 **17-602.**

24 **NOTWITHSTANDING ANY OTHER PROVISION OF THIS TITLE, INFORMATION**
25 **SUBJECT TO THE ATTORNEY-CLIENT PRIVILEGE IS CONFIDENTIAL AND MAY NOT BE**
26 **DISCLOSED TO ANY PERSON UNLESS THE PRIVILEGE IS WAIVED BY THE CLIENT OR**
27 **A COURT ORDERS THE DISCLOSURE.**

28 **SUBTITLE 7. PROHIBITED ACTS.**

29 **17-701.**

30 **THE CORPORATION MAY NOT:**

1 (1) PARTICIPATE IN LITIGATION, UNLESS THE CORPORATION IS A
2 PARTY;

3 (2) INTERFERE WITH A LAWYER'S PROFESSIONAL RESPONSIBILITIES
4 TO CLIENTS UNDER THE MARYLAND RULES OF PROFESSIONAL CONDUCT;

5 (3) CONTRIBUTE OR MAKE AVAILABLE THE CORPORATION'S FUNDS
6 OR SERVICES TO A POLITICAL PARTY OR ASSOCIATION OR THE CAMPAIGN OF A
7 CANDIDATE FOR PUBLIC OR PARTY OFFICE;

8 (4) EXCEPT AS PROVIDED IN §§ 501(H) AND 4911 OF THE INTERNAL
9 REVENUE CODE:

10 (I) CARRY ON PROPAGANDA OR OTHERWISE ATTEMPT TO
11 INFLUENCE LEGISLATION; OR

12 (II) PARTICIPATE OR INTERVENE IN A POLITICAL CAMPAIGN ON
13 BEHALF OF A CANDIDATE FOR PUBLIC OFFICE, INCLUDING PUBLISHING OR
14 DISTRIBUTING STATEMENTS; AND

15 (5) NOTWITHSTANDING ANY OTHER PROVISION OF THIS TITLE,
16 CONDUCT OR CARRY ON ACTIVITIES NOT AUTHORIZED FOR AN ORGANIZATION:

17 (I) QUALIFIED UNDER § 501(C)(3) OF THE INTERNAL REVENUE
18 CODE; OR

19 (II) TO WHICH CONTRIBUTIONS ARE DEDUCTIBLE UNDER §
20 170(C)(2) OF THE INTERNAL REVENUE CODE.

21 SUBTITLE 8. SHORT TITLE.

22 17-801.

23 THIS TITLE MAY BE CITED AS THE MARYLAND APPOINTED ATTORNEYS
24 PROGRAM CORPORATION ACT.

25 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
26 October 1, 2015. It shall remain effective for a period of 3 years and 9 months and, at the
27 end of June 30, 2019, with no further action required by the General Assembly, this Act
28 shall be abrogated and of no further force and effect.