

(PRE-FILED)

By: **Delegate Smigiel**
Requested: August 23, 2005
Introduced and read first time: January 11, 2006
Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Cecil County - Representation of Indigent Defendants - Appointment of**
3 **Public Defender**

4 FOR the purpose of authorizing the Circuit Court for Cecil County to appoint the
5 Office of the Public Defender to represent a defendant whom the court
6 determines is indigent and entitled to representation under a certain provision
7 of law; and generally relating to legal representation of indigent defendants in
8 Cecil County.

9 BY repealing and reenacting, with amendments,
10 Article 27A - Public Defender
11 Section 6(f)
12 Annotated Code of Maryland
13 (2003 Replacement Volume and 2005 Supplement)

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

16 **Article 27A - Public Defender**

17 6.

18 (f) (1) Nothing in this article shall be construed to deprive any court
19 mentioned in § 4(b)(2) of this article of its authority to appoint an attorney to
20 represent an indigent person where there is a conflict in legal representation in a
21 matter involving multiple defendants and one of the defendants is represented by or
22 through the Office of the Public Defender, or where the Office of the Public Defender
23 declines to provide representation to an indigent person entitled to representation
24 under this article.

25 (2) NOTWITHSTANDING ANY OTHER PROVISION OF THIS ARTICLE, IN
26 CECIL COUNTY, THE CIRCUIT COURT MAY APPOINT THE OFFICE OF THE PUBLIC
27 DEFENDER TO REPRESENT A DEFENDANT WHOM THE COURT DETERMINES IS
28 INDIGENT AND ENTITLED TO REPRESENTATION UNDER § 4(B) OF THIS ARTICLE.

1 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
2 October 1, 2006.