HOUSE BILL 391

E25lr1442

HB 985/14 - JUD

By: Delegates Rosenberg, Kittleman, McComas, and Vallario

Introduced and read first time: February 6, 2015

Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

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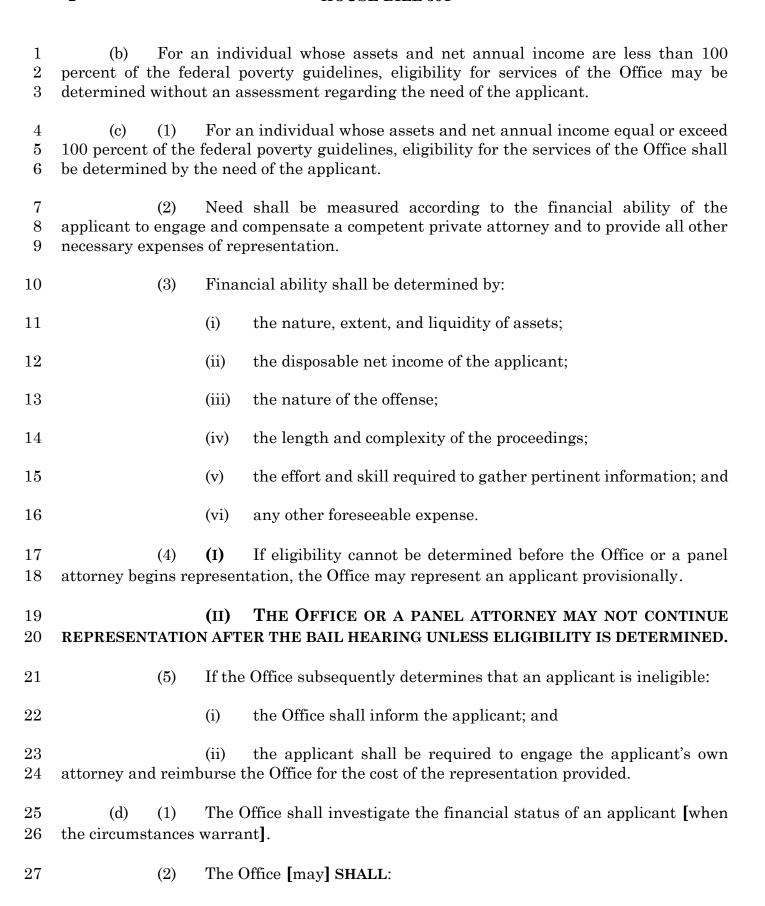
Office of the Public Defender - Eligibility for Services

- 3 FOR the purpose of prohibiting the Office of the Public Defender or a certain panel attorney 4 from continuing a certain representation after a certain bail hearing unless a certain 5 eligibility is determined; requiring the Office of the Public Defender to investigate 6 the financial status of an applicant under all circumstances; altering certain 7 provisions of law so as to require, rather than authorize, the Office of the Public 8 Defender to require an applicant to execute and deliver certain requests or 9 authorizations, to obtain certain information, and to submit certain requests for information to the Department of Labor, Licensing, and Regulation, with a certain 10 11 exception; and generally relating to eligibility for the services of the Office of the 12 Public Defender.
- 13 BY repealing and reenacting, with amendments,
- Article Criminal Procedure 14
- Section 16-210 15
- 16 Annotated Code of Maryland
- 17 (2008 Replacement Volume and 2014 Supplement)
- 18 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,
- 19 That the Laws of Maryland read as follows:

Article - Criminal Procedure 20

- 21 16-210.
- 22An individual may apply for services of the Office as an indigent individual, if 23the individual states in writing under oath or affirmation that the individual, without 24undue financial hardship, cannot provide the full payment of an attorney and all other 25 necessary expenses of representation in proceedings listed under § 16-204(b) of this

26 subtitle.



1 (i) require an applicant to execute and deliver written requests or 2 authorizations that are necessary under law to provide the Office with access to confidential 3 records of public or private sources that are needed to evaluate eligibility, UNLESS THE APPLICANT IS UNABLE TO DO SO BECAUSE OF A MENTAL DISABILITY: and 4 on request, obtain information without charge from a public 5 (ii) 6 record office or other unit of the State, county, or municipal corporation. 7 The Office [may] SHALL submit requests to the Department of (3)8 Labor, Licensing, and Regulation and the Comptroller for information regarding the 9 employment status and income of applicants. 10 Each request shall be accompanied by an authorization for (ii) 11 release of information that is: 12 1. in a form acceptable to the agency to which the request is 13 submitted; and 14 2. signed by the applicant. 15 The Department of Labor, Licensing, and Regulation and the 16 Comptroller shall comply with requests for information made by the Office under this 17 paragraph. 18 (iv) Requests and responsive information may be exchanged by 19 facsimile transmission. 20 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect

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October 1, 2015.