



HB 510 – Indigent Defense Amendments

The Utah Association of Counties supports HB 510 for the following reasons:

- Counties have a responsibility to provide criminal defense services to indigent defendants. For years that has been done through a process of contractual agreements with public defenders who provide counsel and resources to defendants.
- There has long been a rule in place that in order to go outside those contracts and chose your own lawyer, you had to show the court a compelling reasons that was needed.
- A recent court decision has disrupted that rule and has held that the county may not limit the access of indigent defendants to county funding for resources they claim they need.
- The result is that a private attorney, whose fee has been paid, can compel the county to pay for the resources they claim they need to defend their client.
- This reading of the current law creates a huge threat to the county public defender system and to county budgets. It has given attorneys for indigent defendants an open check book to pay for the costs they do not want to carry themselves.
- HB 510 attempts to rebalance the public defender system.
- It continues the system that has been in place for a long time.
- An indigent defendant with a public defender will still get resources needed to present their case. While an indigent defendant with a private attorney may ask the court to order the county to pay for resources they can demonstrate are needed to present their case.
- This rebalancing is necessary to ensure that counties can meet their obligations to individuals who are truly indigent and in need of public defender services.

The Utah Association of Counties urges the Legislature to support HB 510.