

By Mr. DiMasi of Boston, petition of Salvatore F. DiMasi and Michael F. Flaherty for legislation to further regulate the Committee for Public Counsel Services. The Judiciary.

The Commonwealth of Massachusetts

In the Year One Thousand Nine Hundred and Ninety.

AN ACT FURTHER REGULATING THE COMMITTEE FOR PUBLIC COUNSEL SERVICES.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 SECTION 1. Section 116 of chapter 6 of the General Laws,
2 as appearing in the 1986 Official Edition, is hereby amended by
3 striking out, in line 24, the words "Massachusetts Defenders
4 Committee" and inserting in place thereof the words: —
5 committee for public counsel services.

1 SECTION 2. Section 156 of said chapter 6, as so appearing,
2 is hereby amended by striking out, in line 20, the words
3 "Massachusetts defenders committee" and inserting in place
4 thereof the words: — committee for public counsel services.

1 SECTION 3. Section 168 of said chapter 6, as so appearing,
2 is hereby amended by striking out, in lines 3 and 4, the words
3 "Massachusetts defenders committee" and inserting in place
4 thereof the words: — committee for public counsel services.

1 SECTION 4. Section 29A of chapter 119 of the General Laws,
2 as so appearing, is hereby amended by striking out, in line 3, the
3 words "Massachusetts defenders committee" and inserting in
4 place thereof the words: — committee for public counsel services.

1 SECTION 5. Section 3 of chapter 211D of the General Laws,
2 as so appearing, is hereby amended by inserting after the word
3 "private", in line 2, the words: — and may expend the same.

1 SECTION 6. Section 6 of said chapter 211D, as so appearing,
2 is hereby amended by striking out, in line 4, the word “counsel”
3 and inserting in place thereof the word: — defender.

1 SECTION 7. Said section 6 of said chapter 211D, as so
2 appearing, is hereby further amended by striking out, in line 44,
3 the word “counsel” and inserting in place thereof the word: —
4 defender.

1 SECTION 8. Said chapter 211D is hereby further amended by
2 striking out section 8, as so appearing, and inserting in place
3 thereof the following section: —

4 Section 8. Upon a determination by a court that a person
5 accused of murder in the first or second degree is indigent, the
6 chief counsel or his designee may assign the case to either the
7 public defender division or the private counsel division.

1 SECTION 9. Section 12 of said chapter 211D, as so appearing,
2 is hereby amended by striking out the first two sentences and
3 inserting in place thereof the following two sentences: —

4 The committee shall establish policies and procedures to
5 provide fair compensation to private counsel, which shall include
6 a remedy for any attorney aggrieved by the amount of payment.
7 All invoices regarding the services of counsel from the private
8 counsel division in the probate and family court shall be duly
9 certified by the justice hearing a particular matter.

1 SECTION 10. Section 13 of said chapter 211D, as so
2 appearing, is hereby amended by striking out, in line 6, the word
3 “counsel” and inserting in place thereof the word: — defender.

1 SECTION 11. Said section 13 of said chapter 211D is hereby
2 further amended by striking out, in line 13, the word “counsel”
3 and inserting in place thereof the word: — defender.

1 SECTION 12. Said chapter 211D is hereby further amended
2 by striking out section 14, as so appearing, and inserting in place
3 thereof the following section: —

4 Section 14. A justice or an associate justice of the common-
5 wealth shall assign all appeals and related post-conviction
6 remedies to the committee for public counsel services which shall
7 provide representation through its private counsel or public
8 defender divisions.

