
By Mr. Barry of Boston, petition of Frank Stern for legislation to provide for appointment of public defenders to act as attorneys in defence of certain persons charged with crime. The Judiciary.

The Commonwealth of Massachusetts

In the Year One Thousand Nine Hundred and Thirty-Eight.

AN ACT FOR THE APPOINTMENT OF PUBLIC DEFENDERS TO ACT AS ATTORNEYS IN DEFENCE OF PERSONS CHARGED WITH CRIME WHO ARE WITHOUT FUNDS SUFFICIENT TO EMPLOY COUNSEL FOR SUCH DEFENCE.

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. The judges of the supreme judicial
2 court, or the superior court, shall annually appoint an
3 attorney at law, in each county in the commonwealth,
4 except Suffolk county, in which they shall appoint two
5 such attorneys at law, to be public defenders thereof
6 for the ensuing year, and shall, from time to time,
7 make such rules and regulations as may be necessary
8 for the conduct of such office. Each such public de-
9 fender shall act as attorney in the defence of any per-
10 son charged with crime in any court in the county for
11 which he shall have been appointed, when such person
12 shall be without funds sufficient to employ counsel for
13 such defence. The public defender may, in accord-
14 ance with such rules as may be adopted by the judges

15 of the supreme judicial court, or the superior court,
16 act within the county or district for which he shall
17 have been appointed as attorney for the defence of any
18 such accused person upon any preliminary hearing
19 before any court, or before any committing magis-
20 trate. Any vacancy in the office of any public defender
21 shall be filled by the supreme judicial court, or the
22 superior court, until the next annual appointment to
23 such office of public defender.

1 SECTION 2. At the close of each criminal term or
2 session of any court in each county, the public de-
3 fender shall file with the clerk an itemized statement
4 of expenses necessarily incurred and of the services
5 rendered by him during such term, and any such pre-
6 liminary hearing as provided by law, and the court
7 shall allow a reasonable sum for such services and
8 expenses, which shall be taxed and paid as other costs
9 in criminal cases in the courts of the commonwealth.