

HOUSE No. 1343

By Mr. Barnet of New Bedford, petition of Frank Stern that the justices of the Supreme Judicial Court be authorized to appoint 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-Nine.

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
3 an attorney at law, in each county in the common-
4 wealth, except Suffolk county, in which they shall
5 appoint two such attorneys at law, to be public de-
6 fenders thereof for the ensuing year, and shall, from
7 time to time, make such rules and regulations as may
8 be necessary for the conduct of such office. Each
9 such public defender shall act as attorney in the
10 defence of any person charged with crime in any court
11 in the county for which he shall have been appointed,
12 when such person shall be without funds sufficient to

13 employ counsel for such defence. The public de-
14 fender may, in accordance with such rules as may be
15 adopted by the judges of the supreme judicial court,
16 or the superior court, act within the county or dis-
17 trict for which he shall have been appointed as attor-
18 ney for the defence of any such accused person upon
19 any preliminary hearing before any court, or before
20 any committing magistrate. Any vacancy in the
21 office of any public defender shall be filled by the su-
22 preme judicial court, or the superior court, until the
23 next annual appointment to such office of public
24 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
6 preliminary hearing as provided by law, and the
7 court shall allow a reasonable sum for such services
8 and expenses, which shall be taxed and paid as other
9 costs in criminal cases in the courts of the common-
10 wealth.