

No. 277

AN ACT

HB 2020

Amending the act of December 2, 1968 (P.L.1144, No.358), entitled "An act to provide for the office of public defender, authorizing assistants and other personnel, and to provide adequate representation for persons who have been charged with an indictable offense or with being a juvenile delinquent, who for lack of sufficient funds are unable to obtain legal counsel," further providing for the duties of the public defender.

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows:

Section 1. Section 6, act of December 2, 1968 (P.L.1144, No.358), known as the "Public Defender Act," amended June 22, 1970 (P.L.414, No.137), is amended to read:

Section 6. Duties.—(a) The public defender shall be responsible for furnishing legal counsel, in the following types of cases, to any person who, for lack of sufficient funds, is unable to obtain legal counsel:

(1) Where a person is charged with juvenile delinquency;

[(2) Where a person is charged with an indictable offense and has been held for grand jury action. In accordance with the provisions of the Pennsylvania Rules of Criminal Procedure, representation shall be provided at earlier stages of the prosecution in capital cases, and may be provided at earlier stages of the prosecution for a person charged with any other indictable offense;

(3) Postconviction proceedings;

(4) Criminal habeas corpus proceedings;

(5) Criminal extradition proceedings;

(6) Probation and parole proceedings and revocation thereof.]

(2) Critical pretrial identification procedures;

(3) Preliminary hearings;

(4) State habeas corpus proceedings;

(5) State trials, including pretrial and posttrial motions;

(6) Superior Court appeals;

(7) Pennsylvania Supreme Court appeals;

(8) Postconviction hearings, including proceedings at the trial and appellate levels;

(9) Criminal extradition proceedings;

(10) Probation and parole proceedings and revocation thereof;

(11) In any other situations where representation is constitutionally required.

(b) The public defender, after being satisfied of the person's inability to procure sufficient funds to obtain legal counsel to represent him, shall provide such counsel.

Every person who requests legal counsel shall sign an affidavit that he is unable to procure sufficient funds to obtain legal counsel to represent him and shall provide, under oath, such other information as may be required by the court, the public defender, or the Pennsylvania Rules of Criminal Procedure.

(c) The public defender, when appointed by the court, shall furnish legal counsel to persons who are or may be subject to commitment in a proceeding under the act of October 20, 1966 (3rd Sp. Sess., P.L.96, No.6), known as the "Mental Health and Mental Retardation Act of 1966."

Section 2. This act shall take effect in ninety days.

APPROVED—The 10th day of December, A. D. 1974.

MILTON J. SHAPP

The foregoing is a true and correct copy of Act of the General Assembly No. 277.

A handwritten signature in black ink, reading "C. McLaughlin Tucker". The signature is written in a cursive, flowing style.

Secretary of the Commonwealth.