

# HOUSE . . . . . No. 1753

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By Mr. Vallee of Franklin, petition of James E. Vallee relative to the appointment and assignment of counsels for indigent defendants by the Committee for Public Counsel Services. The Judiciary.

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## The Commonwealth of Massachusetts

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In the Year Two Thousand and Seven.

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AN ACT RELATIVE TO 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 4 of chapter 211D of the General Laws, as  
2 appearing in the 2002 Official Edition, is hereby amended by  
3 striking out the first sentence.

1 SECTION 2. Section 5 of said chapter 211D, as so appearing, is  
2 hereby amended by striking the first sentence and inserting in place  
3 thereof the foregoing sentence:—

4 Said committee shall establish, supervise and maintain a system  
5 for the appointment or assignment of counsel at any stage of a pro-  
6 ceeding, criminal in nature, provided, however, that the laws of the  
7 commonwealth or the rules of the supreme judicial court require that  
8 a person in such proceeding be represented by counsel; and, pro-  
9 vided further, that such person is unable to obtain counsel by reason  
10 of his indigency.

1 SECTION 3. Section 6 of said chapter 211D, as so appearing, is  
2 hereby amended by inserting after the word “necessary”, in line 58,  
3 the following words:— as long as it does not conflict with the law.

1 SECTION 4. Section 9 of said chapter 211D, as so appearing, is  
2 hereby amended by striking out, in line 5, the words “whenever pos-  
3 sible”.

1 SECTION 5. Said section 9 of said chapter 211D, as so  
2 appearing, is hereby amended by striking out clause (d).

1 SECTION 6. Section 13 of said chapter 211D, as so appearing, is  
2 hereby amended by inserting after the word “committee” in line 4,  
3 the following words:— ; provided, however, that the duties do not  
4 conflict with the law.

1 SECTION 7. Section 14 of said chapter 211D, as so appearing, is  
2 hereby amended by striking out the first sentence and inserting in  
3 place thereof the following sentence:—  
4 The public counsel division, except in cases of conflict of interest,  
5 shall represent indigent defendants.

1 SECTION 8. Section 16 of said chapter 211D, as so appearing, is  
2 hereby amended by adding the following two sentences: —  
3 Counsel shall not participate in any other proceeding, unless said  
4 proceeding originates from the indigent defendant’s case. Counsel  
5 shall not solicit plaintiffs, in particular in actions where the com-  
6 monwealth is a defendant.