Title 18—PUBLIC DEFENDER COMMISSION
Division 10—Office of State Public Defender
Chapter 5—Public Defender Fees for Services

PROPOSED RULE

18 CSR 10-5.010 Public Defender Fees for Services

PURPOSE: This rule establishes a schedule of charges to be assessed against individuals who are eligible for public defender services and who receive such services in accordance with Chapter 600 and section 600.090.1(2) RSMo, 2000.

(1) Application.

(A) The state public defender is statutorily obligated to represent individuals accused of certain crimes and who are without means to secure private defense counsel. Once an individual is determined eligible for services by the public defender or the court, the public defender shall immediately commence representation. Every individual receiving public defender services is required to reimburse the public defender commission for the costs of the representation in such amounts as he or she can reasonably pay, either in a single payment or by installments in accordance with the schedule of chargers hereby established by this rule.

(2) Schedule of Charges.

(A) The commission hereby establishes the following schedule of charges to be assessed as fees owed the State Public Defender for services rendered:

BASE SCHEDULE OF CHARGES

1. Entry with early withdrawal . . . . . $ 25.00
2. Misdemeanors and Probation Violation Cases . . . . . $ 125.00
3. Felonies, Appeals, and Post Conviction Remedies . . . . . $ 375.00
4. Felony Sex Cases . . . . . $ 500.00
5. Murder Non Capital and Civil Commitment Cases . . . . . $ 750.00
6. Capital Murder Cases. $1,500.00

(B) The fees assessed by the Schedule of Charges constitute the entire costs assessed against an individual receiving public defender services in an individual case. If an individual has more than one (1) case a fee will be charged in each case according to the Schedule of Charges.

(C) When an individual is criminally charged with separate counts within the same indictment or information, the most serious count charged will determine the charge assessed as fees for the case.

(D) For good cause shown, the Office of the Public Defender may waive or reduce the amount assessed as a charge for services.

(3) No Fee Cases.

(A) No fees shall be assessed for state-provided defender services in cases in which the individual receiving services is under eighteen (18) at the time the services commence and/or is legally unable to contract for services.

AUTHORITY: sections 600.017(10), 600.086, and 600.090, RSMo 2000. Original rule filed June 30, 2014.

PUBLIC COST: This proposed rule will not cost state agencies or political subdivisions more than five hundred dollars ($500) in the aggregate.

PRIVATE COST: This proposed rule will cost private entities approximately $1,182,808. These fees will be assessed on private individuals who are eligible for public defender services and who receive such services.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the Missouri Public Defender Commission, 1000 West Nifong, Building 7, Suite 100, Columbia, MO 65203. To be considered, comments must be received within thirty (30) days after publication of this notice in the ***Missouri Register****. No public hearing is scheduled.*

FISCAL NOTE
PRIVATE COST

I. Department Title: Title 18 – Public Defender Commission
Division Title: Division 10 – Office of State Public Defender
Chapter Title: Chapter 5 – Public Defender Fees for Services

Rule Number and Title:	18 CSR 10-5.010 Public Defender Fees for Services
Type of Rulemaking:	Proposed Rule

II. SUMMARY OF FISCAL IMPACT

Estimate of the number of entities by class which would likely be affected by the adoption of the rule:	Classification by types of the business entities which would likely be affected:	Estimate in the aggregate as to the cost of compliance with the rule by the affected entities:
Est. 4,516 private individuals	No businesses – only private individuals are represented by the MSPD.	$1,182,808

III. WORKSHEET

These fees will be imposed on those who are charged with a criminal offense in Missouri and who are represented by the Missouri State Public Defender (MSPD) because they are determined to be indigent. A lien is filed against such individuals so that if they become able to pay in the future (i.e., they are no longer indigent), the MSPD can recover such fees. Based on FY 2013 (FY 2014 numbers are not yet available), the MSPD opened 75,278 cases within the fee categories set forth in the rule. If the MSPD was successful in collecting against 100% of the individuals represented by the MSPD, the total amount of fees collected would be approximately $19,224,750. Historically, the MSPD has only been able to collect a fraction of those costs, typically because those represented by the MSPD remain indigent. In FY2013, the MSPD collected approximately 6.1% of such fees, totaling $1,178,663. Using the fee schedule put forth as part of this rule and both the same number of cases that were opened in FY 2013 and the same collection rate, the projected amount of fees that will be collected from private individuals is $1,182,808.

IV. ASSUMPTIONS

The Missouri State Public Defender assumes that the ability to collect from those who have received criminal indigent legal services will remain constant.