

31.030 Authority and duties of department.

The authority and duties of the Department of Public Advocacy shall include but are not limited to:

- (1) Administering the statewide public advocacy system created by this chapter or by any other appropriate legislation or court decision;
- (2) Providing technical aid to local counsel representing indigents;
- (3) Assisting local counsel on appeals or taking appeals for local counsel, in the same manner as such appeals for the Commonwealth are presently handled by the Attorney General;
- (4) Developing and promulgating standards and regulations, rules, and procedures for administration of the defense of indigent defendants in criminal cases which the public advocate, statutes, or the courts determine are subject to public assistance;
- (5) Determining necessary personnel for the department and appointing assistant public advocates and secretarial, clerical, and other personnel within the merit system, subject to available funding and employee allotments;
- (6) Maintaining and exercising control over the department's information technology system, and working with the Commonwealth Office of Technology to ensure that the department's information technology is in conformity with the requirements of state government;
- (7) Reviewing local plans for providing counsel for indigents;
- (8) Conducting research into, and developing and implementing methods of, improving the operation of the criminal justice system with regard to indigent defendants and other defendants in criminal actions;
- (9) Issuing such rules, regulations, and standards as may be reasonably necessary to carry out the provisions of this chapter, the decisions of the United States Supreme Court, the decisions of the Kentucky Supreme Court, Court of Appeals, and other applicable court decisions or statutes;
- (10) Being authorized to pursue legal, administrative, and other appropriate remedies to ensure the protection of the rights of persons with disabilities;
- (11) Being authorized to purchase liability insurance for the protection of all full-time public advocates, deputy public advocates, and assistant public advocates to protect them from liability for malpractice arising in the course or scope of employment and for the protection of attorneys with whom the Department of Public Advocacy contracts to protect them from liability for malpractice arising in the course or scope of the contract;
- (12) Being authorized to seek and apply for and solicit funds for the operation of the defense of the indigent, or protection of the persons with disabilities programs from any source, public or private, and to receive donations, grants, awards, and similar funds from any legal source. Those funds shall be placed in a special account for the Department of Public Advocacy and those funds shall not lapse;
- (13) Being authorized to assign a substitute attorney, for good cause, at any stage of representation, including appeal or other post-conviction proceeding. The substitute

attorney shall have the same functions with respect to the needy person as the attorney for whom he or she is substituted; and

- (14) Do such other things and institute such other programs as are reasonably necessary to carry out the provisions of this chapter, or those decisions or statutes which are the subject of subsection (9) of this section.

Effective: July 12, 2012

History: Amended 2012 Ky. Acts ch. 151, sec. 4, effective July 12, 2012. -- Amended 2002 Ky. Acts ch. 283, sec. 3, effective July 15, 2002. -- Amended 1978 Ky. Acts ch. 155, sec. 21, effective June 17, 1978. -- Amended 1976 (1st Extra. Sess.) Ky. Acts ch. 14, sec. 8. -- Created 1972 Ky. Acts ch. 353, sec. 3.