

31.071 Requirement if county elects local office -- Failure to provide attorney -- Responsibility for payment.

- (1) If the fiscal court of a county or legislative body of an urban-county, charter county, or consolidated local government elects to establish and maintain an office for public advocacy, it shall:
 - (a) Appoint the public advocate and any number of assistant public advocates necessary to adequately perform the functions of said office.
 - (b) Prescribe the qualifications of the public advocate, his term of office which may not be more than four (4) years and fix the rate of annual compensation for him and his assistants. In order to be qualified for appointment as public advocate, a person must have been admitted to the practice of law and licensed to practice in the Commonwealth of Kentucky and be competent to counsel and defend a person charged with a crime.
 - (c) Provide for the establishment, maintenance, and support of the office.
- (2) If the fiscal court of a county or the legislative body of an urban-county, charter county, or consolidated local government elects to arrange with a nonprofit organization to provide attorneys, the county, urban-county, charter county, or consolidated local government and any cities involved shall provide for the establishment, maintenance, and support of that organization or shall reimburse the organization for such expenses.
- (3) If, in a county where the fiscal court or in an urban-county, charter county, or consolidated local government where the legislative body, has elected to provide representation under subsection (1) or (2) of this section, after finding that the fiscal court or legislative body fails to provide an attorney to a person eligible for representation under KRS Chapter 31, a court assigns, under the court's inherent authority, an attorney to represent a needy person, it shall prescribe a reasonable rate of compensation for his services and shall determine the direct expenses necessary to representation for which he would be reimbursed. The county, urban-county, charter county, or consolidated local government shall pay the attorney the amounts so prescribed from the funds made available by the Department of Public Advocacy.
- (4) An attorney under subsection (3) of this section shall be compensated for his services with regard to the complexity of the issues, the time involved, and other relevant considerations. However, no fee shall be paid in excess of the prevailing maximum fee per attorney paid by the Department of Public Advocacy for the type of representation provided, and no hourly rate shall be paid in excess of the prevailing hourly rate paid by the Department of Public Advocacy for the type of representation provided.

Effective: July 15, 2002

History: Repealed, reenacted, renumbered, and amended 2002 Ky. Acts ch. 283, sec. 8, effective July 15, 2002. -- Amended 1998 Ky. Acts ch. 491, sec. 4, effective July 15, 1998. -- Amended 1980 Ky. Acts ch. 188, sec. 12, effective July 15, 1980. -- Amended 1978 Ky. Acts ch. 155, sec. 34, effective June 17, 1978; and ch. 309, sec. 1, effective July 1, 1979. -- Amended 1974 Ky. Acts ch. 358, sec. 9. -- Created 1972

Ky. Acts ch. 353, sec. 17.

Formerly codified as KRS 31.170.