31.030 Authority and duties of department. (Effective until July 1, 2024)

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 indigent persons;

(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 administrative regulations, rules, and procedures for administration of the defense of indigent defendants in criminal cases that the public advocate, statutes, or the courts determine are subject to public assistance;

(5) Determining necessary personnel for the department and appointing staff attorneys, who shall be "assistant public advocates," and non-lawyer assistants 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 and approving local plans for providing counsel for indigent persons;

(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, including participation in groups, organizations, and projects dedicated to improving representation of defendants in criminal actions in particular, or the interests of indigent or impoverished persons in general;

(9) Issuing rules, promulgating administrative regulations, and establishing 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 indigent persons 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 an attorney, including a conflict attorney under a plan, for good cause, at any stage of representation, including trial, appeal, or other post-conviction or post-disposition proceeding, including discharge revocation hearings, preliminary parole revocation hearings, and conditional discharge revocation hearings, regardless of whether the hearings are conducted by constitutional judges or executive branch administrative law judges;

(14) Filing with the Legislative Research Commission an annual report, by September 30 of each year, setting forth the total number of cases assigned to the department, the average number of cases per department attorney, all funding available to the department, the average amount of state funds expended per assigned case, and any other information requested by the Legislative Research Commission or that the public advocate finds necessary to inform the General Assembly, the judicial or executive branches, or the public of the activities conducted by the department during the previous fiscal year; and

(15) Do other activities and institute other programs as necessary to carry out the provisions of this chapter, or those decisions or statutes which are the subject of this section.

Effective: July 15, 2014

History: Amended 2014 Ky. Acts ch. 87, sec. 2, effective July 15, 2014. -- 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.