

**77-32-501 Contracts for defense of indigent inmates -- Qualifications -- Prosecutorial duties.**

- (1) The board shall enter into contracts with qualified legal defense counsel to provide defense counsel services for an indigent inmate who is incarcerated in a state prison located in a county of the third, fourth, fifth, or sixth class as defined in Section 17-50-501, is charged with having committed a crime within that facility, and will require defense counsel.
- (2) Payment for the representation, costs, and expenses of legal defense counsel shall be made from the Indigent Inmate Trust Fund as provided in Section 77-32-502.
- (3) The defense counsel shall maintain the minimum qualifications as provided in Section 77-32-301.
- (4) The county attorney or district attorney of a county of the third, fourth, fifth, or sixth class shall function as the prosecuting entity.
- (5)
  - (a) The county of the third, fourth, fifth, or sixth class where a state prison is located may impose an additional tax levy by ordinance at .0001 per dollar of taxable value in the county.
  - (b) If the county governing body imposes the additional tax levy by ordinance, the money shall be deposited in the Indigent Inmate Trust Fund as provided in Section 77-32-502 to fund the purposes of this section.
  - (c) Upon notification that the fund has reached the amount specified in Subsection 77-32-502(6), the county shall deposit money derived from the levy into a county account used exclusively to provide defense counsel and defense related services for indigent defendants.
  - (d) A county that chooses not to impose the additional levy by ordinance may not receive any benefit from the Indigent Inmate Trust fund.

Amended by Chapter 80, 2009 General Session