

59 verified by a notary or other person authorized by law to administer an oath and file a copy of
 60 that affidavit with the prosecuting entity. The affidavit shall contain the factual information
 61 required in this section and by the court.

62 (b) A defendant claiming indigency who is charged with a crime the penalty of which
 63 is less than a class A misdemeanor is not required to comply with the requirements of
 64 Subsection (2)(a) and Subsection (4).

65 (3) (a) "Indigency" means that a person:

66 (i) does not have sufficient income, assets, credit, or other means to provide for the
 67 payment of legal counsel and all other necessary expenses of representation without depriving
 68 that person or the family of that person of food, shelter, clothing, and other necessities; or

69 (ii) has an income level at or below 150% of the United States poverty level as defined
 70 by the most recently revised poverty income guidelines published by the United States
 71 Department of Health and Human Services; and

72 (iii) has not transferred or otherwise disposed of any assets since the commission of the
 73 offense with the intent of establishing eligibility for the appointment of counsel under this
 74 chapter.

75 (b) In making a determination of indigency, the court shall consider:

76 (i) the probable expense and burden of defending the case;

77 (ii) the ownership of, or any interest in, any tangible or intangible personal property or
 78 real property, or reasonable expectancy of any such interest;

79 (iii) the amounts of debts owned by the defendant or that might reasonably be incurred
 80 by the defendant because of illness or other needs within the defendant's family;

81 (iv) number, ages, and relationships of any dependents; ~~[and]~~

82 ~~[(v) other relevant factors:]~~

83 (v) the reasonableness of fees and expenses charged to the defendant by the defendant's
 84 attorney where the defendant is represented by privately retained defense counsel; and

85 (vi) other factors considered relevant by the court.

86 ~~¶→ [(c) In determining the reasonableness of the fees and expenses charged by privately~~
 87 ~~retained defense counsel, the court shall consider the provisions of Section 77-32-304.5.] ←¶~~

88 (4) Upon making a finding of indigence, the court shall enter the findings on the record
 89 and enter an order assigning defense counsel to represent the defendant in the case. The clerk