

**NITIJELA OF THE MARSHALL ISLANDS**

**24<sup>th</sup> CONSTITUTIONAL REGULAR SESSION, 2003**

**BILL NO:149 ND1**

P.L. 2003-94

**AN ACT**

1 to amend the Public Defenders Act, 1979 (5 MIRC Chapter 3) by inserting additional provisions  
2 immediately following section 6, in order to clarify certain matters.  
3

4  
5 **BE IT ENACTED BY THE NITIJELA OF THE MARSHALL ISLANDS**  
6

7 **Section 1. Short title.**

8 This Act may be cited as the “Marshall Islands Public Defender (Amendment) Act, 2003 .

9 **Section 2. Amendments**

10 The Public Defenders Act, 1979 (5 MIRC Chapter 3) is hereby amended by inserting the  
11 following provisions immediately following section 6;

12 **§ 7. Legal Assistance**

13 (1) Notwithstanding section 3 above, or the provisions of any other Act to  
14 the contrary, any person who engages the legal services of other counsel in a  
15 criminal or civil case before the courts, is not entitled to request additional legal  
16 assistance from the Public Defenders Department in that case.

17 (2) In accordance with subsection (1) herein, the Public Defenders  
18 Department;

19 (a) shall not accept instructions nor offer legal services in a case

where a person has voluntarily engaged the services of another counsel in that case;

(b) in the event that the Public Defender's Department is already acting for a person in a criminal or civil case, and the person concerned voluntarily engages the services of another counsel in addition to the Public Defenders Department, the Public Defenders Department shall withdraw its services immediately.

(c) the Public Defenders Department shall not act as co-counsel in any proceedings before the courts.

Section 3.      **Effective Date**

This Act will take effect upon certification in accordance with Article IV Section 21 of the Constitution of the Republic of the Marshall Islands

**CERTIFICATE**

I hereby certify:

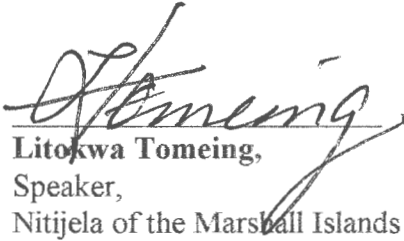
(1) that Nitijela Bill No. 149 NO-1 was passed by the Nitijela of the Marshall Islands on the 30<sup>th</sup> day of September, 2003; and

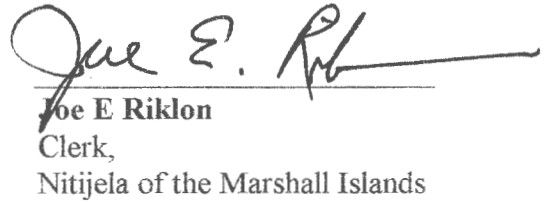
(3) that I am satisfied that Nitijela Bill No. 149 NO-1 was passed in accordance with the relevant provisions of the Constitution of the Republic of the Marshall Islands and the Rules of Procedures of the Nitijela .

P.L. 2003-94

I hereby place my signature before the Clerk of the Nitijela this 3<sup>rd</sup> day of December,  
2003.

Attest:

  
Litokwa Tomeing,  
Speaker,  
Nitijela of the Marshall Islands

  
Joe E Riklon  
Clerk,  
Nitijela of the Marshall Islands