

1 AN ACT

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3 **To amend the Marshall Islands Public Defender Act 1979, 5 MIRC Chapter 3, to provide**
4 **that it is the responsibility of Department of the Public Defender to provide legal defense**
5 **for persons who cannot afford to hire a private attorney.**
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7 **BE IT ENACTED BY THE NITIJELA OF THE REPUBLIC OF THE MARSHALL ISLANDS:**

8 Section 1. Short Title.

9 This Act may be cited as the Public Defender (Amendment) Act 2013.

10 Section 2. Amendment.

11 (1) Section 303 of the Marshall Islands Public Defender Act 1979, 5 MIRC Chapter
12 3, is amended to read as follows:

13 **§303. Duties and responsibilities of the Department.**

14 (1) The primary duty and responsibility of the Department of the Public
15 Defender shall be to provide, upon request, legal defense assistance and
16 representation in criminal proceedings to all persons in the Republic who cannot
17 afford to hire a private attorney.

18 (2) The secondary duty and responsibility of the Public Defender shall be to
19 provide, upon request, legal defense assistance and representation in civil actions
20 to all persons in the Republic who cannot afford to hire a private attorney.

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22 (2) Section 307 of the Marshall Islands Public Defender Act 1979, 5 MIRC Chapter
23 3, is amended to read as follows:

24 **§307. Legal Assistance Regulations.**

1 The Chief Public Defender, with the approval of the Cabinet, may by
2 regulation promulgate a "needs test" to determine if for purposes of Section 303 a
3 person cannot afford to hire a private attorney.
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5 Section 3. **Effective Date.**

6 This Act shall take effect on the date of certification in accordance with Article IV,
7 Section 21 of the Constitution.
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12 **CERTIFICATE**

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15 **I hereby certify:**

- 16 1. That Nitijela Bill No.46 was passed by the Nitijela of the Republic of the
17 Marshall Islands on the 6th day of November, 2013; and
18 2. That I am satisfied that Nitijela Bill No.46 was passed in accordance with the
19 relevant provisions of the Constitution of the Republic of the Marshall Islands and
20 the Rules of Procedures of the Nitijela.
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22 I hereby place my signature before the Clerk this 25th day of November 2013.
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Attest:

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Hon. Donald F. Capelle

Speaker
Nitijela of the Marshall Islands



Tarjo Arelong

Clerk
Nitijela of the Marshall Islands