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# Public Defender

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We hope this information will be useful to you; reference to it will assist you with many of the questions that will arise in your tenure with county government. However, the *Tennessee Code Annotated* and other relevant laws or regulations should always be consulted before any action is taken based upon the contents of this document.

Please feel free to contact us if you have questions or comments regarding this information or any other CTAS website material.

Sincerely,

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# Public Defender

## Public Acts of 1973 Chapter 168

**COMPILER'S NOTE:** The following act is a public act of special application and is not codified in Tennessee Code Annotated.

**SECTION 1.** There is created the office of Public Defender in the counties of this state having a population of not less than 56,100, and not more than 56,125, according to the Federal Census of 1970, or any subsequent federal census.

**SECTION 2.** Immediately upon the passage of this Act in all counties of this state having a population of not less than 56,100 and not more than 56,125, according to the Federal Census of 1970, or any subsequent federal census, the Quarterly County Court, at its next regular meeting, shall elect a Public Defender who shall be a person licensed to practice law and who shall hold said office for a term of two (2) years, or until a general law shall provide for a Public Defender System in all counties of this state. The Public Defender shall be elected by a majority of the members of the Quarterly County Court. The Public Defender shall take office upon the approval of this Act by the Quarterly County Court as provided by law and his successor shall be elected in the same manner each two (2) years thereafter.

**SECTION 3.** The Public Defender shall be required to appear and defend, without expense, and to represent generally, all persons who are without means to employ counsel, and who have been charged with the commission of a misdemeanor, or an offense in the General Sessions Court of said counties, for which a conviction of the same would, or might, result in said person, or persons, being punished by imprisonment in the County Workhouse. Said Public Defender shall further prosecute or appeal to a higher court, or courts, on behalf of such persons, who have been convicted as aforesaid, where, in his opinion, there is error in the conviction had, and such appeal will, or might reasonably be expected to result in the reversal or modification of the judgment or conviction. Said Public Defender shall further represent and defend those persons who have been found to be indigent and are before the General Sessions Court of said counties for preliminary hearings and charged with the commission of a felony. Said Public Defender shall advise and counsel such persons as to their rights concerning said preliminary hearing and inform them of the nature of said proceedings which might result in an indictment therefrom; however, in no event shall the Public Defender represent any such person other than in the General Sessions Court of such counties, other provisions having been established by law to provide for adequate representation for such persons charged with the commission of a felony.

**SECTION 4.** (a) The Public Defender shall receive a salary of FOUR THOUSAND EIGHT HUNDRED (\$4,800.00) DOLLARS per annum, payable in equal monthly installments, to be paid by the County in which he is elected, in the same manner as other county offices are paid; (b) the Quarterly County Court shall increase said compensation and expenses of said office in such amounts, and at such times, as it deems appropriate, by a majority vote of said Quarterly County Court; (c) He shall take and file the required oath of office, (d) every person who shall be appointed a Public Defender shall be a citizen and resident of the county in which he is appointed; (3) the Public Defender shall be allowed to continue his private practice of law, both civil and criminal; however, said Public Defender shall appear and be present at such times and places as shall be required to carry out his duties as defined herein.

**SECTION 5.** This act shall have no effect unless it is approved by a two-thirds (2/3) vote of the Quarterly County Court of any county to which it may apply on or before December 1, 1973. Its approval or nonapproval shall be proclaimed by the presiding officer of the Quarterly County Court and certified by him to the Secretary of State.

**SECTION 6.** For the purpose of approving or rejecting the provisions of this act, it shall be effective upon becoming a law, the public welfare requiring it. For all other purposes, it shall become effective upon being approved as provided in Section 5.

Passed: May 2, 1973.

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