

(Use this form to file a local law with the Secretary of State.)

Text of law should be given as amended. Do not include matter being eliminated and do not use italics or underlining to indicate new matter.

County
City of Livingston
Town of
Village

Local Law No. 2 of the year 19 91

A local law Establishing the Office of Public Defender of the County of Livingston,

(Insert Title)
Pursuant to a Plan under Article 18A of the County Law and Further Indigent Defendant Representation, Pursuant to a Plan Under Article 18B of the County Law.

Be it enacted by the of the
(Name of Legislative Body) Livingston County Board of Supervisors

County
City of Livingston
Town of as follows:
Village

SECTION 1. The Office of Public Defender of the County of Livingston is hereby created pursuant to Article 18A of the County Law. The position shall be filled by appointment by the Livingston County Board of Supervisors and the person selected shall serve for the term for which the membership of such Board appointing such person was elected, at an annual salary to be set by the Board each year.

SECTION 2. The Public Defender of the County of Livingston shall have the powers conferred upon such office under Article 18A of the County Law, excepting any prosecution of appeals and those duties required under section 717, subdivision 2 of the County Law and shall make an annual report to the Board of Supervisors covering all cases handled by this office during the preceding year. The Public Defender shall perform all other duties conferred upon him or her under the law, including but not limited to the following:

a. appoint such assistants to the office as may be authorized by resolution by the Board of Supervisors;

b. appoint a confidential secretary as may be authorized by resolution by the Board of Supervisors;

c. provide for investigative or "expert" services for indigent defendant up to an amount set by the Board of Supervisors, except that the Public Defender may request the Board to make further allowance or support for investigative or "expert" services, from time to time, if necessary.

d. subject to applicable provisions of the law, directly supervise his or her assistants and promulgate internal rules governing the representation of indigent defendants within the County by the office of Public Defender in the various superior and inferior criminal courts of the County;

(If additional space is needed, attach pages the same size as this sheet, and number each.)

e. attend meetings when requested by the Judicial Committee or the full Board of Supervisors of Livingston County;

f. submit an annual budget request through the office of the County Administrator for approval by the Judicial Committee and full Board of Supervisors of the County of Livingston;

g. have all the powers necessary and incidental to the performance and exercise of any duties and functions lawfully delegated to the office by the Board of Supervisors and under the law.

h. coordinate with the Livingston County Bar Association, to draft and implement a plan for representation of indigent persons under the applicable Family and Surrogate Court Acts and for criminal appeals and administer such plan.

SECTION 3: The office of Public Defender of the County of Livingston shall be part-time but may be extended to full-time upon Resolution of the Board of Supervisors of Livingston County.

SECTION 4: A further plan for representation of indigent defendants in proceedings under section 262 or section 1120 of the Family Court Act section 407 of the Surrogate Court Act and on appeal from actions arising out of either the criminal courts or under the applicable Family and Surrogate Court Act sections, to be approved by the Livingston County Bar Association and by Resolution of the Board of Supervisors, is hereby authorized.

SECTION 5: Specifically, in regard to representation of indigent defendants who have been charged with a violation of the criminal law, Resolution No. 65-169 shall remain in effect until the Public Defender is appointed and has assumed office.

SECTION 6. Specifically, in regard to representation of indigent defendants pursuant to applicable sections of the Family and Surrogate Court Acts, Resolution No. 65-169 shall remain in effect until further Resolution by the Board, enacting the plan authorized in section 4 above, at which time Resolution No. 65-169 shall be repealed.

Dated at Geneseo, New York
September 25, 1991

(Complete the certification in the paragraph that applies to the filing of this local law and strike out that which is not applicable.)

1. (Final adoption by local legislative body only.)

I hereby certify that the local law annexed hereto, designated as local law No. 2 of 19⁹¹ of the ~~(County)~~(City)(Town)(Village) of Livingston was duly passed by the Board of Supervisors on September 11 19⁹¹, in accordance with the applicable provisions of law.
(Name of Legislative Body)

2. (Passage by local legislative body with approval, no disapproval or repassage after disapproval by the Elective Chief Executive Officer*.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 19____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 19____, and was (approved)(not disapproved)(repassed after disapproval) by the _____ and was deemed duly adopted on _____ 19____, in accordance with the applicable provisions of law.
(Name of Legislative Body)
(Elective Chief Executive Officer*)

3. (Final adoption by referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 19____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 19____, and was (approved)(not disapproved)(repassed after disapproval) by the _____ on _____ 19____. Such local law was submitted to the people by reason of a (mandatory)(permissive) referendum, and received the affirmative vote of a majority of the qualified electors voting thereon at the (general)(special)(annual) election held on _____ 19____, in accordance with the applicable provisions of law.
(Name of Legislative Body)
(Elective Chief Executive Officer*)

4. (Subject to permissive referendum and final adoption because no valid petition was filed requesting referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 19____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 19____, and was (approved)(not disapproved)(repassed after disapproval) by the _____ on _____ 19____. Such local law was subject to permissive referendum and no valid petition requesting such referendum was filed as of _____ 19____, in accordance with the applicable provisions of law.
(Name of Legislative Body)
(Elective Chief Executive Officer*)

*Elective Chief Executive Officer means or includes the chief executive officer of a county elected on a county-wide basis or, if there be none, the chairman of the county legislative body, the mayor of a city or village, or the supervisor of a town where such officer is vested with the power to approve or veto local laws or ordinances.

5. (City local law concerning Charter revision proposed by petition.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 19____ of the City of _____ having been submitted to referendum pursuant to the provisions of section (36)(37) of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of such city voting thereon at the (special)(general) election held on _____ 19____, became operative.

6. (County local law concerning adoption of Charter.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 19____ of the County of _____, State of New York, having been submitted to the electors at the General Election of November _____ 19____, pursuant to subdivisions 5 and 7 of section 33 of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of the cities of said county as a unit and of a majority of the qualified electors of the towns of said county considered as a unit voting at said general election, became operative.

(If any other authorized form of final adoption has been followed, please provide an appropriate certification.)

I further certify that I have compared the preceding local law with the original on file in this office and that the same is a correct transcript therefrom and of the whole of such original local law, and was finally adopted in the manner indicated in paragraph _____, above.

Virginia O'Amico

Clerk of the County legislative body, City, Town or Village Clerk or officer designated by local legislative body

(Seal)

Date: 9-25-91

(Certification to be executed by County Attorney, Corporation Counsel, Town Attorney, Village Attorney or other authorized Attorney of locality.)

STATE OF NEW YORK
COUNTY OF LIVINGSTON

I, the undersigned, hereby certify that the foregoing local law contains the correct text and that all proper proceedings have been had or taken for the enactment of the local law annexed hereto.

J. Sciarino

Signature

County Attorney

Title

County _____
City of LIVINGSTON
Town _____
Village _____

Date: 9-25-91