



MONTANA STATE PUBLIC DEFENDER

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Office of State Public Defender Legislative Concepts 2027 Session

- OPD001 OPD seeks to improve its appointment statutes by (1) establishing statutory termination points for all appointments, (2) fixing illogical, unwarranted, or absent appointment mechanisms, (3) improving impractical appointment mechanisms, and (4) clarifying that courts appoint OPD as an agency, not individual public defenders. While OPD seeks several small changes to courts' appointment authority, OPD's primary objective is the codification of existing judicial and agency practices, not substantive change to the overall scope of OPD's responsibilities.
- OPD002 MCA § 7-32-2255 currently requires county jails to "allow an inmate to speak on the telephone with the inmate's attorney without charge." OPD seeks this same requirement for clients in state prisons.
- OPD003 The State of Montana funds an electronic records program for the Judiciary called FullCourt Enterprise. OPD seeks to require the Office of Court Administrator (Option A) or the individual Clerks of Court (Option B) to implement a single, consistent process for public defenders, prosecutors, and other state or local government attorneys to request and receive access to that electronic court records system.
- OPD004 OPD seeks a statutory default allowing public defenders to appear remotely at non-substantive hearings through two-way video unless a court makes a specific finding of good cause to require the public defender's personal presence. Similar legislation passed the House in 2025 as HB 116 and passed the Senate in 2023 as SB 187.