

AN INDIVIDUAL MAY APPLY FOR SERVICES OF THE OFFICE AS AN INDIGENT INDIVIDUAL, IF THE INDIVIDUAL STATES IN WRITING UNDER OATH OR AFFIRMATION THAT THE INDIVIDUAL, WITHOUT UNDUE FINANCIAL HARDSHIP, CANNOT PROVIDE THE FULL PAYMENT OF AN ATTORNEY AND ALL OTHER NECESSARY EXPENSES OF REPRESENTATION IN PROCEEDINGS LISTED UNDER § 16-204(B) OF THIS SUBTITLE.

(B) DETERMINATION OF ELIGIBILITY.

(1) ELIGIBILITY FOR THE SERVICES OF THE OFFICE SHALL BE DETERMINED BY THE NEED OF THE APPLICANT.

(2) NEED SHALL BE MEASURED ACCORDING TO THE FINANCIAL ABILITY OF THE APPLICANT TO ENGAGE AND COMPENSATE A COMPETENT PRIVATE ATTORNEY AND TO PROVIDE ALL OTHER NECESSARY EXPENSES OF REPRESENTATION.

(3) FINANCIAL ABILITY SHALL BE DETERMINED BY:

- (I) THE NATURE, EXTENT, AND LIQUIDITY OF ASSETS;
- (II) THE DISPOSABLE NET INCOME OF THE APPLICANT;
- (III) THE NATURE OF THE OFFENSE;
- (IV) THE LENGTH AND COMPLEXITY OF THE PROCEEDINGS;
- (V) THE EFFORT AND SKILL REQUIRED TO GATHER PERTINENT INFORMATION; AND
- (VI) ANY OTHER FORESEEABLE EXPENSE.

(4) IF ELIGIBILITY CANNOT BE DETERMINED BEFORE THE OFFICE OR A PANEL ATTORNEY BEGINS REPRESENTATION, THE OFFICE MAY REPRESENT AN APPLICANT PROVISIONALLY.

(5) IF THE OFFICE SUBSEQUENTLY DETERMINES THAT AN APPLICANT IS INELIGIBLE:

- (I) THE OFFICE SHALL INFORM THE APPLICANT; AND