IN THE SENATE

SENATE BILL NO. 1117

BY JUDICIARY AND RULES COMMITTEE

1      AN ACT
2  RELATING TO THE OFFICE OF STATE APPELLATE PUBLIC DEFENDER; AMENDING SEC-
3      TION 19-869, IDAHO CODE, TO REMOVE CERTAIN LANGUAGE RELATING TO THE
4      APPOINTMENT OF THE STATE APPELLATE PUBLIC DEFENDER; AND DECLARING AN
5      EMERGENCY.

6  Be It Enacted by the Legislature of the State of Idaho:

7      SECTION 1.  That Section 19-869, Idaho Code, be, and the same is hereby
8  amended to read as follows:

9      19-869.   CREATION -- APPOINTMENT -- QUALIFICATIONS -- TERM -- COMPEN-
10  SATION. (1) The office of state appellate public defender is hereby created
11  in the department of self-governing agencies.
12      (2)  The state appellate public defender shall be appointed by the gov-
13  ernor, with the advice and consent of the senate, ~~from a list of not less than~~
14  ~~two (2) nor more than four (4) qualified persons recommended by a committee~~
15  ~~consisting of the president of the Idaho state bar association, the chairman~~
16  ~~of the senate judiciary and rules committee and the chairman of the house ju-~~
17  ~~diciary, rules and administration committee and a citizen at large appointed~~
18  ~~by the governor.  The chief justice of the Idaho supreme court, or her de-~~
19  ~~signee, shall be an ex officio member of the committee~~.
20      (3)  The state appellate public defender shall be an attorney licensed
21  to practice law in the state of Idaho and shall have a minimum of five (5)
22  years' experience as a practicing attorney.  The governor may prescribe such
23  further qualifications as he deems necessary for the position.
24      (4)  The state appellate public defender shall serve for a term of four
25  (4) years, during which term he may be removed only for good cause, and shall
26  be compensated in an amount determined by the governor.
27      (5)   The state appellate public defender may adopt policies or rules
28  necessary to give effect to the purposes of this act.

29      SECTION 2.  An emergency existing therefor, which emergency is hereby
30  declared to exist, this act shall be in full force and effect on and after its
31  passage and approval.