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## IN THE SENATE

## SENATE CONCURRENT RESOLUTION NO. 103

## BY JUDICIARY AND RULES COMMITTEE

## A CONCURRENT RESOLUTION

STATING FINDINGS OF THE LEGISLATURE AND AUTHORIZING THE LEGISLATIVE COUNCIL TO APPOINT A COMMITTEE TO UNDERTAKE AND COMPLETE A STUDY OF POTENTIAL APPROACHES TO PUBLIC DEFENSE REFORM.

Be It Resolved by the Legislature of the State of Idaho:

WHEREAS, the Public Defense Reform Interim Committee was authorized by the Legislative Council at the recommendation of the members of the Second Regular Session of the Sixty-second Idaho Legislature for the purpose of undertaking and completing a study of potential approaches to the public defense system; and

WHEREAS, the Public Defense Reform Interim Committee committed itself to the task of identifying potential necessary improvements in Idaho's public defense system and developing recommendations for public defense reform; and

WHEREAS, the Public Defense Reform Interim Committee identified areas that need to be addressed in Idaho's public defense system. Such areas include, but are not limited to: public defense contracting practices and data reporting; caseloads and workloads; training and resources for public defense attorneys; and qualifications and experience standards for public defense attorneys; and

WHEREAS, the Public Defense Reform Interim Committee has sought to address such areas through legislation that include a public defense model where, although public defense delivery at the trial level would remain primarily funded and administered at the county level, certain oversight and administration authority would be statutorily delegated to the State Public Defense Commission authorized to promulgate certain rules with which counties are required to comply, including statewide training and continuing legal education requirements for public defense attorneys and uniform data reporting requirements. In addition, the State Public Defense Commission was statutorily required to make recommendations to the First Regular Session of the Sixty-third Idaho Legislature, and may make recommendations during the regular sessions of the Legislature thereafter as deemed necessary, for legislation relating to certain requirements for public defense contracts; standards for the qualification and experience of public defense attorneys; enforcement mechanisms; funding issues; and reclassifying certain misdemeanors as infractions; and

WHEREAS, the legislation recommended by the Public Defense Reform Interim Committee also provided for a public defense model where the counties' statutory duty to provide for counsel at public expense is accomplished by one of the following: (1) establish an office of public defender; (2) establish a joint office of public defender with one or more other counties; (3) contract with an existing office of public defender; or (4) contract with a

defending attorney provided that no such contract shall include a flat fee pricing structure; and

WHEREAS, during the course of its study, the Public Defense Reform Interim Committee identified additional issues in need of further study. Such issues include: reclassifying certain misdemeanors as infractions; funding issues; and effective mechanisms to ensure compliance with public defense system standards and requirements.

NOW, THEREFORE, BE IT RESOLVED by the members of the First Regular Session of the Sixty-third Idaho Legislature, the Senate and the House of Representatives concurring therein, that the Legislative Council is authorized to appoint a committee to continue the efforts to undertake and complete a study of potential approaches to public defense reform including, but not limited to: funding issues; public defense contracting practices; data reporting; standards for training and experience of public defense attorneys; and effective enforcement mechanisms to ensure compliance with public defense system standards and requirements. The committee shall consist of ten legislators, with five from the Senate and five from the House of Representatives. The Legislative Council shall authorize the committee to receive input, advice and assistance from interested and affected parties who are not members of the Legislature.

BE IT FURTHER RESOLVED that the cochairmen of the committee are authorized to appoint advisors with technical expertise in the area of public defense and are expected to receive input from stakeholders in the criminal justice system of Idaho.

BE IT FURTHER RESOLVED that any advisors to the committee who are not legislative members shall not be reimbursed from legislative funds for per diem, mileage or other expenses and shall not have voting privileges.

BE IT FURTHER RESOLVED that the commission shall report its findings, recommendations and proposed legislation, if any, to the Second Regular Session of the Sixty-third Idaho Legislature.