



IN THE CONGRESS OF THE UNITED STATES

DECEMBER 18th, 2020

Mr. ROMERIO (for himself, Mr. Koay, Mr. Graves) introduced the
following bill;

*To create and properly fund a National Fund for Public Defence, to ensure that American
Citizens maintain the right to defend themselves in a Court of Law.*

Be it enacted by the Senate and House of Representatives of the United States of America in
Congress assembled;

Sec. 1. SHORT TITLE.

This act may be cited as the “The Public Defence Act of 2020”.

Sec. 2. FINDINGS.

Congress finds that—

- (1) Eighty-two percent of Americans charged with a felony in State Courts rely on Public Defenders for their defence.
- (2) The average salary of a public defender (\$53,000) does not provide the necessary funding to pay debts from higher education, leading to very few individuals working as Public Defenders.
- (3) According to the Bureau of Justice Statistics, Public Defenders have an annual caseload ranging from fifty to five hundred ninety cases.

- (4) The United States must ensure that Public Defenders are paid enough to allow for more people to practice law for the Courts to reduce caseload and increase inefficiency.

Sec. 3. DEFINITIONS.

In this Act—

- (1) The term “The Secretary” refers to the Secretary of Justice (the Attorney General), in their capacity as leader of the Department of Justice.
- (2) The term “The Department” refers to the Department of Justice, unless otherwise specified.
- (3) The term “The Office” refers to the established Office in Section 4(a), and all individuals working within it, unless otherwise specified.
- (4) The term “Public Defender” and “Public Defender’s Offices” refer to counsel in the Trial Court who is provided by the Court to the defendant, and is of no mandatory charge to the defendant, barring funding through taxation.
- (5) The term “Universally” means that any funding withdrawn by the several States, pursuant to Section 4(b), and in accordance with regulations in Section 5, is applied equally to the Offices of Public Defenders, without discrimination.
- (6) The term “Fund” refers to the Public Defence Fund described in Section 4.
- (7) The term “Share of Funding” refers to what percentage of the total amount appropriated in the Fiscal Month, plus the private donations of the previous Fiscal Month therein, a State may withdraw.
- (8) The term “integrated properly” means any funding donated privately must be treated and filed equally as donations from the Federal Government, and will be distributed fairly and universally across the several States.

Sec. 4. ESTABLISHING A NATIONAL PUBLIC DEFENCE FUND

In general—

- (a) The Secretary shall establish, within the Department, an Office of Public Defence, which shall be composed of an Inspector General, appointed by the Secretary, and up to ten individuals working under the authority of the Inspector General, appointed by them, with the consent of the Secretary.

- (b) The Office shall form a National Fund, from which any State may withdraw funding, as described in Section 5, for the purposes of increasing the pay and resources of the Offices of Public Defenders within their jurisdiction.
- (c) The Office of the Inspector General shall ensure that—
- (i) Any funding withdrawn by a State is properly used for the purposes of;
 - (1) Universally increasing the pay of Public Defenders within their jurisdiction, and/or;
 - (2) Universally providing further resources to the Offices of Public Defenders within their jurisdiction, and/or;
 - (3) Otherwise using the funding to improve the working conditions of Public Defenders, which includes, but is not limited to;
 - a) Improving access to discovery files, paperwork, evidence, or any other information or documentation relevant to ongoing, future, or past cases within the jurisdiction of the specific Public Defender’s Office to which funding is being granted.
 - b) Providing resources to allow for better defence, such as funding requests by Public Defenders to receive evidence, conduct forensics, or gather any relevant evidence, at the request of Public Defenders.
 - (ii) Ensuring that all provisions in the Sections 5 and 6 of this Act are properly enforced.

Sec. 5. STATE REGULATIONS.

In general—

- (a) A State may withdraw funding from the Fund with the consent of its Legislature and Governor. Any State that withdraws funding must abide by the regulations in Section 4, and the following regulations in this Section.
- (b) The following States may not withdraw more than the following:

State	Percent of Total
California	11.91%

Texas	8.74%
Florida	6.47%
New York	5.86%
Illinois	3.86%
Pennsylvania	3.82%
Ohio	3.52%
Georgia	3.20%
North Carolina	3.16%
Michigan	3.01%
New Jersey	2.68%
Virginia	2.57%
Washington	2.29%
Arizona	2.19%
Massachusetts	2.09%
Tennessee	2.06%
Indiana	2.03%
Missouri	1.85%
Maryland	1.82%
Wisconsin	1.75%
Colorado	1.74%
Minnesota	1.70%
South Carolina	1.55%
Alabama	1.48%
Louisiana	1.40%
Kentucky	1.35%
Oregon	1.27%
Oklahoma	1.19%
Connecticut	1.07%
Utah	0.97%

Iowa	0.95%
Nevada	0.93%
Arkansas	0.91%
Mississippi	0.90%
Kansas	0.88%
New Mexico	0.63%
Nebraska	0.58%
West Virginia	0.54%
Idaho	0.54%
Hawaii	0.43%
New Hampshire	0.41%
Maine	0.41%
Montana	0.32%
Rhode Island	0.32%
Delaware	0.29%
South Dakota	0.27%
North Dakota	0.23%
Alaska	0.22%
The District of Columbia	0.21%
Vermont	0.19%
Wyoming	0.17%

- (c) The District of Columbia, with the consent of its Governing body and Mayor may withdraw funding from the Fund, as described by Subsection (b) of this Section, and it must abide by the same regulations imposed upon States withdrawing funds.
- (d) No State will withdraw funds and use it in a manner that is not directly productive to achieving the provisions in Section 4(c) of this Act.
- (e) States may withdraw their share of funding every Fiscal Month, and may legislate as such that funding is withdrawn in a consecutive manner, in accordance with the Inspector General and the Office. Any such consecutive withdrawal will cause at least a 0.1% decrease in shares described in Subsection (b) of this Section every Fiscal Month, until

such termination of consecutive withdrawal. To restore the share funding described in Subsection (b) of this Act, the termination must last at least three Fiscal Months.

Sec. 6. PRIVATE DONATIONS

In general—

- (a) Any private individual or entity may donate to the Fund. No individual or entity shall donate more than one million dollars in any given Fiscal Month.
- (b) The Inspector General shall ensure that the funding is donated in good faith, and is integrated properly into the fund.

Sec. 7. AUTHORIZATION OF APPROPRIATIONS

There is authorized to be appropriated—

- (a) \$75,000,000 for every Fiscal Month starting Fiscal Month January 2022, for the purposes of providing the necessary Federal funding for the Fund described in Section 4 of this Act.
- (b) \$1,000,000 for every Fiscal Month starting Fiscal Month June 2021, for the purpose of creating the Office described in Section 4 of this Act, and for the purposes of funding the Inspector General and their efforts, as described in Sections 4, 5, and 6 of this Act.

Sec. 8. ENACTMENT.

- (a) The provisions in Section 7 of this Act shall go into effect as they are described.
- (b) The provisions in Sections 4, 5, and 6 of this Act shall go into effect on January 1st, 2022.