

IN THE SENATE

SENATE BILL NO. 1048

BY JUDICIARY AND RULES COMMITTEE

AN ACT

1
2 RELATING TO THE OFFICE OF STATE APPELLATE PUBLIC DEFENDER; AMENDING SECTION
3 19-869, IDAHO CODE, TO REMOVE CERTAIN LANGUAGE RELATING TO THE APPOINT-
4 MENT OF THE STATE APPELLATE PUBLIC DEFENDER.

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

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

8 19-869. CREATION -- APPOINTMENT -- QUALIFICATIONS -- TERM -- COMPEN-
9 SATION. (1) The office of state appellate public defender is hereby created
10 in the department of self-governing agencies.

11 (2) The state appellate public defender shall be appointed by the gov-
12 ernor, with the advice and consent of the senate, ~~from a list of not less than~~
13 ~~two (2) nor more than four (4) qualified persons recommended by a committee~~
14 ~~consisting of the president of the Idaho state bar association, the chairman~~
15 ~~of the senate judiciary and rules committee and the chairman of the house ju-~~
16 ~~diary, rules and administration committee and a citizen at large appointed~~
17 ~~by the governor. The chief justice of the Idaho supreme court, or her de-~~
18 ~~signee, shall be an ex officio member of the committee.~~

19 (3) The state appellate public defender shall be an attorney licensed
20 to practice law in the state of Idaho and shall have a minimum of five (5)
21 years' experience as a practicing attorney. The governor may prescribe such
22 further qualifications as he deems necessary for the position.

23 (4) The state appellate public defender shall serve for a term of four
24 (4) years, during which term he may be removed only for good cause, and shall
25 be compensated in an amount determined by the governor.

26 (5) The state appellate public defender may adopt policies or rules
27 necessary to give effect to the purposes of this act.