

STATEMENT OF PURPOSE

RS22652

The purpose of this legislation is to authorize the Legislative Council to appoint an interim study committee to complete a study of the public defender system in Idaho. Currently there are only seven (7) public defender offices within Idaho serving eight (8) counties with one more county moving to a public defender office. The remainder of the counties contract for public defender services, most of which are flat fee contracts. The 6th Amendment of the U.S. Constitution requires that the accused have the assistance of counsel for their defense. The State of Idaho may delegate certain obligations imposed by the Idaho Constitution to the counties but cannot abdicate its constitutional duty. The Idaho Criminal Justice Commission for over three years had a subcommittee study this issue and reached the conclusion, due to the funding issue as well as other issues, that an interim study committee would be the appropriate approach in looking at this issue. An interim committee was formed and studied the issue during the past interim, but found that the issue is of such scope that it could not complete its work in one interim. Legislation is being submitted during this session to begin the process of resolving the public defense issue in Idaho, but further study is necessary to complete the work.

FISCAL NOTE

The cost of the study is expected not to exceed \$10,000. The study will be paid for out of the Legislative account.

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