

CHRONOLOGY OF PUBLIC DEFENSE REFORM IN IDAHO

2007	-State Appellate Public Defender (SAPD) approached the Idaho Criminal Justice Commission (ICJC) about conducting a study of Idaho's trial-level indigent defense system
2009	-ICJC contracted with the National Legal Aid & Defender Association (NLADA) to conduct the study -ICJC formed its own Public Defense Subcommittee (PDS) to study public defense reform
2010	-NLADA released its report (<i>The Guarantee of Counsel: Advocacy and Due Process in Idaho's Trial Courts</i> , National Legal Aid & Defender Association, 2010), concluding that Idaho's public defense delivery system is constitutionally inadequate
2013-February	-PDS made recommendations to the Legislature in the form of three bills: <ul style="list-style-type: none"> • RS 21688C1 related to the public defense system • RS 21689 related to the appointment of a guardian ad litem • RS 21690C1 related to juveniles and right to counsel
2013-April	-PDS's recommendations became law: <ul style="list-style-type: none"> • H147 (2013)-Defined "defending attorney;" replaced the phrase, "needy person," with the phrase, "indigent person," and removed statutory cross-references to code sections that have been repealed; revised the definition of the term, "serious crime;" provided a uniform standard of eligibility by defining "indigent person;" restricted the use of information provided to establish eligibility for counsel; limited recovery of the costs of counsel to those associated with convictions; and expanded data reporting requirements to all attorneys that provide representation at public expense • H148 (2013)-Revised provisions relating to the appointment of a guardian ad litem; and revised provisions relating to the appointment of counsel for a guardian ad litem and for a child • H1249 (2013)-Provided that certain statements are inadmissible at certain proceedings; established provisions relating to representation by counsel of certain juveniles; provided requirements relating to a waiver of the right to counsel by certain juveniles and; revised certain reimbursement provisions <p>-HCR26 (2013) adopted, 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</p>
2013-August	-Public Defense Reform Interim Committee meeting
2013-September	-Public Defense Reform Interim Committee meeting
2013-October	-Public Defense Reform Interim Committee meeting
2013-November	-Public Defense Reform Interim Committee meeting
2014-January	-Public Defense Reform Interim Committee meeting -Public Defense Reform Interim Committee meeting <ul style="list-style-type: none"> • Unanimous consent motion made to recommend \$300,000 as the initial budget for the PDC
2014-February	-IAC Public Defender Resolution 2014-01 to require the State to take control and fund trial level public defense in Idaho with a unified system, and counties to contribute funds at the current level of approximately \$22 million
2014-March	-H542 (2014) became law: <ul style="list-style-type: none"> • Created the Public Defense Commission (PDC) and provided for its powers and duties: <ul style="list-style-type: none"> -Promulgate rules regarding (a) training and continuing legal education for PDs; and (b) uniform data reporting requirements (to include caseload, workload, and expenditures) -Annually make recommendations to the legislature regarding public defense issues, including but not limited to: (a) core contract requirements; (b) qualification standards for PDs; (c) enforcement mechanisms; and (d) funding • Removed court-appointment as a means of providing a PD • Removed "fixed-fee" contracts as a way for counties to provide PDs • Added the option of contracting with another county for provision of public defense • Removed two-year minimum term for county PDs

	<ul style="list-style-type: none"> Disallowed private practice for county PDs -HCR40 (2014) adopted, continuing the Public Defense Reform Interim Committee
2014-April	-H634 (2014) became law, providing a General Fund appropriation of \$300,000 for the PDC for FY 2015
2014-June	-IAC Resolution 2014-5 (adopted 6/12/14, vote 27-21): <ul style="list-style-type: none"> Amended Resolution 2014-1 Would require the State to administer public defense in counties that lack resources to do so themselves, but allows existing county PD offices to maintain local control Requires the State to provide funding in the event that any implemented standards increase costs
2014-July	-Public Defense Reform Interim Committee meeting
2014-August	-Public Defense Reform Interim Committee meeting
2014-September	-Public Defense Reform Interim Committee meeting
2014-October	-Public Defense Reform Interim Committee meeting
2014-November	-Public Defense Reform Interim Committee meeting <ul style="list-style-type: none"> Senator McKenzie made a motion that the committee move forward on the Proposals regarding reclassifying some misdemeanors as infractions. The motion was seconded by Senator Buckner-Webb. The motion passed unanimously by voice vote. Senator Mortimer motioned to continue this committee another year. The motion was seconded by Representative Luker. The motion passed unanimously by voice vote.
2015-March	-H102 (2015) became law, reclassifying curfew violations as infractions -H104 (2015) became law, reclassifying littering violations as infractions -H159 (2015) became law, reclassifying certain tobacco offenses as infractions -H161 (2015) became law, reclassifying certain fish & game violations as infractions -S1145 (2015) Appropriated \$304,300 to the Public Defense Commission for fiscal year 2016
2015-April	-H195 (2015) became law, reclassifying certain firework offenses as infractions -SCR 103 (2015) adopted, continuing the Public Defense Reform Interim Committee -S1030 (2015) became law, making codifier corrections, in relevant part, to require defending attorneys to represent indigent defendants “upon . . . <i>assignment</i> ” under Section 19-853, Idaho Code.
2015-June	-Class action complaint for injunctive and declaratory relief filed in the Fourth Judicial District of Idaho

Updated September 16, 2015