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LEGISLATURE OF THE STATE OF IDAHO
Sixty-third Legislature Second Regular Session - 2016

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1 AN ACT
2 RELATING TO THE STATE PUBLIC DEFENSE COMMISSION; AMENDING SECTION 19-850,
3 IDAHO CODE, TO PROVIDE THAT THE PUBLIC DEFENSE COMMISSION MAY USE CER-
4 TAIN MONIES TO PROVIDE CERTAIN TRAINING.

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

6 SECTION 1. That Section 19-850, Idaho Code, be, and the same is hereby
7 amended to read as follows:

8 19-850. POWERS AND DUTIES OF THE STATE PUBLIC DEFENSE COMMISSION. (1)
9 The state public defense commission shall:

10 (a) Promulgate rules in accordance with the provisions of chapter 52,
11 title 67, Idaho Code, establishing the following:

12 (i) Training and continuing legal education requirements for de-
13 fending attorneys, which shall promote competency and consistency
14 in case types including, but not limited to, criminal, juvenile,
15 abuse and neglect, post-conviction, civil commitment, capital and
16 civil contempt; and

17 (ii) Uniform data reporting requirements for the annual reports
18 submitted pursuant to section 19-864, Idaho Code. The data re-
19 ported shall include caseload, workload and expenditures.

20 (b) On or before January 20, 2015, and by January 20 of each year there-
21 after as deemed necessary by the commission, make recommendations to
22 the Idaho legislature for legislation on public defense system issues
23 including, but not limited to:

24 (i) Core requirements for contracts between counties and private
25 attorneys for the provision of indigent defense services and pro-
26 posed model contracts for counties to use;

27 (ii) Qualifications and experience standards for the public de-
28 fender and defending attorneys;

29 (iii) Enforcement mechanisms; and

30 (iv) Funding issues including, but not limited to:

31 1. Training and continuing legal education for defending
32 attorneys;

33 2. Data collection and reporting efforts; and

34 3. Conflict cases.

35 (c) Hold at least one (1) meeting in each calendar quarter.

36 (2) The state public defense commission may:

37 (a) Hire an executive director who shall be responsible for the per-
38 formance of the regular administrative functions of the commission and
39 other duties as the commission may direct. The executive director shall
40 be a nonclassified state employee and shall be compensated as deter-
41 mined by the commission.

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1 (b) Employ persons in addition to the executive director in other po-
2 sitions or capacities as it deems necessary to the proper conduct of
3 commission business and to the fulfillment of the commission's respon-
4 sibilities. The employees of the commission other than the executive
5 director shall be classified employees and shall receive as compen-
6 sation an annual salary payable on regular pay periods, the amount of
7 which shall be determined by the commission.

8 (c) Provide an office, office equipment and facilities as may be rea-
9 sonably necessary for the proper performance of its duties or the duties
10 of the executive director and other personnel.

11 (d) Use monies received from a grant or trust to provide training and
12 continuing legal education as described in subparagraph (1) (a) (i) of
13 this section.