

MINUTES
HOUSE JUDICIARY, RULES, & ADMINISTRATION COMMITTEE

DATE: Wednesday, February 03, 2016

TIME: 1:30 P.M.

PLACE: Room EW42

MEMBERS: Chairman Wills, Vice Chairman Dayley, Representatives Luker, McMillan, Perry, Sims, Malek, Trujillo, McDonald, Cheatham, Kerby, Nate, Scott, Gannon, McCrostie, Nye, Wintrow

**ABSENT/
EXCUSED:** Representative(s) McDonald

GUESTS: Sara Thomas, SAPD; Eric Fredericksen, SAPD.
Chairman Wills called the meeting to order at 1:31 PM.

MOTION: **Rep. Wintrow** made a motion to approve the minutes of the January 21, 2016, meeting. **Motion carried by voice vote.**

MOTION: **Rep. Wintrow** made a motion to approve the minutes of the January 29, 2016, meeting. **Motion carried by voice vote.**

RS 24116: **Rep. Perry** presented **RS 24116**. The statute pertaining to the duties of the office of the State Appellate Public Defender (SAPD) can be narrowly interpreted to limit the SAPD to representation only when an individual has already been convicted or when post-conviction relief has been denied. Other felony appeals result when the State files an appeal before conviction or when post-conviction relief has been granted. During Fiscal Year 2015 a district judge appointed a private attorney to handle a felony post-conviction appeal and ordered a county to pay for that representation. The private attorney asserted the SAPD could not represent the individual because post-conviction relief had been granted and the State had filed the appeal. Ultimately, the Idaho Supreme Court reversed the district court's order and SAPD was appointed in the case. The proposed legislation is consistent with the historical practices of SAPD and clarifies SAPD's authority to provide representation in all felony appeals, regardless of whether the appeal is brought by the State or by the individual. As a result SAPD can continue to ensure the cost of appellate representation in felony appeals is not an extraordinary burden on the counties of Idaho.

MOTION: **Rep. McCrostie** made a motion to introduce **RS 24116**. **Motion carried by voice vote.**

ADJOURN: There being no further business to come before the committee, the meeting was adjourned at 1:38 PM.

Representative Wills
Chair

Katie Butcher
Secretary