

Amendments to Senate Bill 146
Introduced Bill

Requested by the Department of Justice
and the American Civil Liberties Union

Prepared by Jacqueline T. Lenmark
January 23, 2005

1. Page 2, line 29.
Following: "that"
Insert: "adequate"

2. Page 3.
Following: line 25
Insert: "(iv) for an applicant for sentence review pursuant to
Title 46, chapter 19, part 9;"
Renumber: subsequent subsections

3. Page 6.
Following: line 23
Insert: "(e) practice standards;"
Renumber: subsequent subsections

4. Page 6, line 28.
Following: "to"
Strike: "hire"
Insert: "create"
Following: "staff"
Insert: "positions"

5. Page 7, line 3.
Following: "policies"
Insert: "and procedures"

6. Page 7, line 9.
Following: "must"
Insert: "cover the preceding biennium and"
Following: "include"
Strike: "detailed expenditure, caseload, and workload data by court
and case type and"
Insert: "
 - (1) all policies or procedures in effect for the operation
and administration of the statewide public defender system;
 - (2) all standards established or being considered by the
commission or the chief public defender;
 - (3) the number of deputy public defenders and the region
supervised by each;"

(4) the number of public defenders employed or contracted in the system, identified by region;

(5) the number of attorney and nonattorney staff supervised by each deputy public defender;

(6) the number of new cases in which counsel was assigned to represent a party, identified by region, court, and case type;

(7) the total number of persons represented by the office, identified by region, court, and case type;

(8) the annual caseload and workload of each public defender, identified by region, court, and case type;

(9) the training programs conducted by the office and the number of attorney and nonattorney staff who attended each program;

(10) the continuing education on criminal defense or criminal procedure attended by each public defender employed or contracted in the system;

(11) detailed expenditure data by court and case type; and

(12)"

7. Page 7, line 22.

Following: "(3)"

Strike: "Subject to the commission's approval, the"

Insert: "The"

8. Page 9, line 3.

Following: "experience"

Strike: "and"

Insert: ", "

Following: "training"

Insert: ", and manageable caseloads"

9. Page 9.

Following: line 5

Insert: "(8) establish policies and procedures for assigning capital cases that are consistent with standards for counsel for indigent persons in capital cases issued by the Montana supreme court;"

Re-number: subsequent subsections

10. Page 9, line 6.

Following: "for"

Insert: "attorneys and"

11. Page 9, line 21.

Following: "coordinator"

Strike: "from a list of three names submitted by the president of the state bar of Montana"

12. Page 11.

Following: line 12

Insert: "(c) attorney qualifications necessary to provide effective assistance of counsel that meets the standards for counsel for indigent persons in capital cases issued by the Montana supreme court;"

Renumber: subsequent subsections

-- End --