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EXHIBIT 2
DATE 1.14.05
SB 35

January 6, 2005

TO: Senator McGee
Senator Esp

FROM: Sheri Heffelfinger, Staff Bill Drafter

RE: Technical Amendments to SB 146, Public Defender Act, and SB 35, Public Defender for Indigent Parents

The attached technical amendments are needed to coordinate SB 146 and SB 35 as requested by Senator Esp and the Children and Families Health and Human Services Interim Committee (CFHHSIC) and to ensure the effective date for the Office of State Public Defender is taken into account.

Senator McGee's amendments to SB 146 will amend into SB 146 the language desired by Senator Esp (and reflected in SB 35) to ensure that indigent parents in abuse and neglect proceedings are appointed a public defender immediately. These amendments remove discretionary language stating that a public defender was provided immediately *if* requested by the parent or determined necessary by the court.

Because Senator McGee's attached amendments to SB 146 will incorporate SB 35 language, Senator Esp's amendments provide that SB 35 is void if SB 146 is passed and approved. Thus, SB 35 is a "back up" bill that can address the CFHHSIC's concerns if SB 146 fails.

I have provided copies of both sets of amendments to the Senate Judiciary Staff Attorney, Valencia Lane.

Please let me know if you have any questions.

Thank you.

cc.
Valencia Lane
Susan Fox

SENATE JUDICIARY
Exhibit No. 2
Date 1-14-05
Bill No. SB 35