

JUS  
Subcommittee  
on SB-146

EXHIBIT NO. 3  
DATE 2-4-05  
BILL NO. SB-146

*Jackie's*

"APPELLATE  
DEFENDER"  
amd'mt.

Amendments to Senate Bill No. 146  
1st Reading Copy

Requested by the Department of Justice  
and the ACLU

For the Senate Judiciary Subcommittee on SB 146

Prepared by Valencia Lane  
(originally prepared by Jackie Lenmark)

February 1, 2005 (2:55pm)

1. Title, page 1, line 10.

Following: "DEFENDER;"

Insert: "ESTABLISHING AN OFFICE OF APPELLATE DEFENDER AND  
PROVIDING FOR A CHIEF APPELLATE DEFENDER;"

2. Page 9, line 18.

Following: line 17

Insert: "NEW SECTION. Section 9. Office of appellate defender  
-- chief appellate defender. (1) There is within the office an  
office of appellate defender.

(2) Beginning July 1, 2006, the chief public defender shall  
hire and supervise a chief appellate defender to manage and  
supervise the office of appellate defender.

(3) The chief appellate defender shall:

(a) manage and supervise all public defender services  
provided by the office of appellate defender;

(b) ensure that when a court orders the office to assign an  
appellate lawyer or when a defendant or petitioner is otherwise  
entitled to an appellate public defender, the assignment is made  
promptly to a qualified and appropriate appellate defender who is  
immediately available to the defendant or petitioner when  
necessary;

(c) ensure that appellate defender assignments comply with  
the provisions of [section 8(7)] and standards for counsel for  
indigent persons in capital cases issued by the Montana supreme  
court;

(d) hire and supervise the work of office of appellate  
defender personnel as authorized by the appellate defender;

(e) contract for services as provided in [section 12] and  
as authorized by the chief public defender according to the  
strategic plan for the delivery of public defender services;

(f) keep a record of appellate defender services and  
expenses of the appellate defender office and submit records and  
reports to the chief public defender as requested;

(g) implement standards and procedures established by the  
commission and the chief public defender for the office of  
appellate defender;

(OVER)

(h) maintain a minimum client caseload as determined by the chief public defender; and

(i) perform all other duties assigned to the chief appellate defender by the chief public defender."

**Renumber:** subsequent sections

- 3. Page 2, line 3.
- Page 2, line 6.
- Page 2, line 15.
- Page 2, line 17.
- Page 2, line 19.
- Page 3, line 16.
- Page 4, line 27.
- Page 6, line 8.
- Page 7, line 6.
- Page 7, line 11.
- Page 7, line 24.
- Page 8, line 23.
- Page 9, line 17.
- Page 11, line 28.
- Page 16, line 26.
- Page 68, line 26.
- Page 71, line 25.

**Strike:** "14"

**Insert:** "15"

- 4. Page 2, line 11.

**Strike:** "13"

**Insert:** "14"

- 5. Page 3, line 8.

**Strike:** "10"

**Insert:** "11"

- 6. Page 3, line 18.

**Strike:** "13"

**Insert:** "14"

- 7. Page 3, line 25.

**Strike:** "15"

**Insert:** "16"

- 8. Page 4, line 7.

**Strike:** "15"

**Insert:** "16"

- 9. Page 4, line 26.

**Strike:** "11"

**Insert:** "12"

10. Page 8, line 1.

Strike: "9"

Insert: "10"

11. Page 8, line 2.

Strike: "10"

Insert: "11"

12. Page 8, line 15.

Strike: "12"

Insert: "13"

13. Page 10, line 18.

Strike: "11"

Insert: "12"

14. Page 11, line 29.

Strike: "13"

Insert: "14"

15. Page 14, line 18.

Strike: "12"

Insert: "13"

16. Page 16, line 27.

Strike: "13"

Insert: "14"

17. Page 17, line 29.

Page 26, line 3.

Page 41, line 10.

Page 42, line 23.

Page 44, line 27.

Page 49, line 1.

Page 53, line 21.

Page 63, line 10.

Page 65, line 25.

Page 66, line 10.

Page 66, line 21.

Page 67, line 17.

Page 67, line 27.

Page 68, line 4.

Strike: "14"

Insert: "15"

18. Page 23, line 14.

Strike: "11"

Insert: "12"

(OVER)

19. Page 31, line 1.  
Page 31, line 27.  
Page 32, line 8.  
Page 33, line 12.  
Page 35, line 9.

**Strike:** "15"

**Insert:** "16"

20. Page 40, line 27.

**Strike:** "12"

**Insert:** "13"

21. Page 42, line 13.

Page 57, line 28.

**Strike:** "13"

**Insert:** "14"

22. Page 43, line 21.

**Strike:** "12"

**Insert:** "13"

23. Page 70, line 29.

**Strike:** "67(5)"

**Insert:** "68(5)"

24. Page 71, line 7.

**Strike:** "66"

**Insert:** "67"

25. Page 71, line 29 through line 30.

**Strike:** "15"

**Insert:** "16"

26. Page 72, line 7.

**Strike:** subsection (2) in its entirety

**Insert:** "(2) [Sections 18 through 20, 24 through 29, 34 through 67, and 73] are effective July 1, 2006."

- END -