



# Task Force on State Public Defender Operations

## 64th Montana Legislature

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### HOUSE MEMBERS

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JULI PIERCE

### COMMITTEE STAFF

SHERI SCURR, RESEARCH DIRECTOR  
JULIE JOHNSON, ATTORNEY  
FONG HOM, SECRETARY

## AGENDA

as of 9/8/16

**Final Meeting - Monday, Sept. 12, 2016**

Room 137, Capitol Bldg., Helena

*Please note: all times are approximate*

- 8:00 a.m.      **1. Rep. Kimberly Dudik, Presiding Officer**
- a. Roll Call
  - b. Welcome and Overview of Agenda
  - c. Introduction of Scott Cruse, new administrative director for the Office of State Public Defender

- 8:05            **2. Bill Draft Review (in order listed below)**
- a. Staff overview of bill draft
    - Sheri Scurr, research analyst, LSD
    - Julie Johnson, staff attorney, LSD
  - b. Public comment\*
  - c. Task Force questions and discussion

LCpd1a – Governor to appoint a director position to supervise the agency, including the chief public defender, chief appellate defender, and chief conflict defender. Commission to be advisory. *(Drafter: Sheri Scurr)*

LCpd1b - Same as LCpd1a, except the Department of Administration director to appoint an executive director of OPD. *(Drafter: Sheri Scurr)*

LCpd02 – Establish a chief administrator position and make other changes to enact OPD's strategic plan. *(Drafter: Sheri Scurr)*

Cost comparison: current law, LCpd1a, LCpd1b, and LCpd06  
- Greg DeWitt, fiscal analyst, LFD

LCpd09 – Statutorily separate the OPD, the appellate defender office, and the conflict coordinator office to ensure there is no conflict or consultation in budgeting between the separate offices.  
*(Drafter: Julie Johnson)*

**BREAK - actual time to be determined by presiding officer**

LCpd03 – Transfer determination of eligibility to presiding court.  
*(Drafter: Julie Johnson)*

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**2. Bill Draft Review (in order listed below) - continued**

- a. Staff overview of bill drafts
- b. Public comment\*
- c. Committee questions and discussion

LCpd04 – Transfer determination of eligibility to DPHHS  
*(Drafter: Julie Johnson)*

LCpd05 – Make the Montana Department of Revenue responsible for collecting the any fees for public defender services imposed by a judge pursuant to section 46-8-113, MCA. *(Drafter: Julie Johnson)*

LCpd06 – Establish a holistic defense pilot program in four locations  
*(Drafter: Sheri Scurr)*

LCpd07 – Require the Public Defender Commission to contract for a workload assessment study. *(Drafter: Julie Johnson)*

LCpd08 – Clearly grant to the Public Defender Commission and the OPD the authority to set different contractor rates in different areas of the state.  
*(Drafter: Julie Johnson)*

LCpd10 – Statutorily prohibit OPD from providing legal counsel to a putative father in a dependent neglect case. *(Drafter: Julie Johnson)*

LCpd11 – Statutorily require the Public Defender Commission to set “soft caps” for OPD and appellate defender contractor caseloads.  
*(Drafter: Julie Johnson)*

12 noon LUNCH

1:00

**3. Committee Executive Action on Bill Drafts and any other Final Recommendations**

**4. Final Report**

- a. Staff outline of final report - Sheri Scurr
- b. Task force questions, approval of staff approach

**5. Information on Human Rights Complaints by OPD Staff**

**6. Adjournment**

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\* Public comment provided in person to the committee is a public record that is videotaped, archived, and available on the Internet. Public comment submitted in writing at a committee meeting is a public record that will be posted to the legislative website as part of the minutes log for the committee meeting.

\*\* The Montana Legislative Services Division will make reasonable accommodations for persons with disabilities who wish to participate in this public meeting. If you require an accommodation, please contact Sheri Scurr at

406-444-3596 or [sscurr@mt.gov](mailto:sscurr@mt.gov) at least 5 working days before the meeting date to discuss the nature of the accommodation you need.