

Amendments to Senate Bill No. 352  
Reference Copy

Requested by Senator Fred Thomas

For the Senate Free Conference Committee

Prepared by Jaret Coles  
April 24, 2019 (8:12am)

1. Title, page 1, line 6.

**Following:** "~~FUNDS;~~"

**Insert:** "PROVIDING FOR A PUBLIC DEFENDER CONTRIBUTION TASK  
FORCE;"

2. Title, page 1, line 7.

**Following:** "DATE"

**Insert:** "AND A TERMINATION DATE"

3. Page 1, line 13.

**Insert:** "NEW SECTION. **Section 1. Public defender contribution task force.** (1) There is a public defender contribution task force.

(2) The task force consists of 14 members appointed as follows:

(a) four members of the house of representatives, two of whom must be appointed by the speaker of the house and two of whom must be appointed by the house minority leader;

(b) four members of the senate, two of whom must be appointed by the senate president and two of whom must be appointed by the senate minority leader;

(c) the director of the office of state public defender or the director's designee;

(d) five members appointed by the governor, none of whom may be a currently serving legislator, including:

(i) one representing counties;

(ii) one representing municipalities;

(iii) one representing the district court council;

(iv) one county attorney; and

(v) one city attorney.

(3) If possible, the senate president and senate minority leader and the speaker of the house and house minority leader shall select three members who served on the joint appropriations subcommittee on judicial branch, law enforcement, and justice, three members from a judiciary standing committee during the 2019 legislative session, and two members from those selected to serve on the 2021 local government interim committee. The speaker of the house shall select a presiding officer, and the house

minority leader shall select a vice presiding officer. The presiding officer and vice presiding officer must be legislative members.

(4) (a) Legislative members are entitled to receive compensation and expenses as provided in 5-2-302.

(b) Members who are full-time salaried officers or employees of this state or of a political subdivision of this state are not entitled to be compensated for their service as members except when they perform their task force duties outside their regular working hours or during hours charged against their leave time, but those members are entitled to be reimbursed for travel expenses as provided in 2-18-501 through 2-18-503.

(c) Members appointed pursuant to subsection (2)(d) are entitled to reimbursement for travel expenses as provided in 2-18-501 through 2-18-503.

(6) The legislative fiscal division shall provide staff assistance to the task force. The legislative services division may provide assistance upon request of the task force."

**"NEW SECTION. Section 2. Task force duties.** (1) The public defender contribution task force shall review, monitor, and provide input and guidance regarding the state public defender, including but not limited to:

(a) cost drivers of public defender services, including areas impacting caseload demand that include but are not limited to local government ordinances, current and anticipated impact of 2017 legislative reform, current and anticipated trend data related to assigned counsel and caseload analysis, opportunities for further efficiency through reform, process delays or evaluation of timeframe from arrest to disposition, and mitigation of any impacts related to process decisions and delays; and

(b) current trends and changes in trend data related to effective representation of indigent defendants, including analysis of workload and timeframe of cases assigned counsel that result in a guilty plea prior to trial, a finding of guilt following trial, and acquittal or a guilty verdict following trial.

(2) The task force shall analyze the change in revenue and costs for both state general fund and local government, including legislative decisions impacting both state and local government revenue and expenses as they relate to the public defender and applicable locally provided services for a period beginning in fiscal year 2005 through fiscal year 2019. This analysis must represent investment in shared criminal justice program funding between local, regional, and state resources to include law enforcement, prosecution, defense, detention, and ancillary services reasonably attributed to public safety.

(3) The task force shall study the feasibility of regionalizing public defender services under the control of local government.

(4) The task force may explore other alternatives for the

delivery of public defender services that reflect providing a quality service to those in need in the most fiscally responsible manner.

(5) The results of the task force must be presented to the governor, the legislative finance committee, the law and justice interim committee, and the local government interim committee by September 1, 2020.

(6) The task force shall involve input from the various stakeholders of the office of state public defender, the legal system, and local governments.

(7) The task force shall coordinate meetings with the law and justice interim committee, the legislative finance committee, and the local government interim committee to the extent possible.

(8) All aspects of the task force, including reporting requirements, must be concluded prior to September 1, 2020. The task force shall prepare a final report of its findings, conclusions, and recommendations and shall prepare draft legislation whenever appropriate. The task force shall submit the final report to the governor and to the 67th legislature in accordance with 5-11-210.

**Renumber:** subsequent section

4. Page 1, line 22.

**"COORDINATION SECTION. Section 4. Coordination instruction.** If [this act] and [House Bill No. 2] are passed and approved, then [House Bill No. 2] is amended to include a new section that reads:

**"NEW SECTION. Section 13. Appropriations.** There is appropriated \$20,000 from the general fund to the legislative fiscal division for the biennium beginning July 1, 2019, to support the public defender contribution task force established in [section 1 of Senate Bill No. 352]."

**Renumber:** subsequent sections

5. Page 9, line 20.

**Insert: "NEW SECTION. Section 33. Contingent voidness -- appropriation for study.** (1) Pursuant to Joint Rule 40-65, if [this act] does not include an appropriation through a coordination instruction to [House Bill No. 2] in [section 4 of this act] prior to being transmitted to the governor, then [sections 1 and 2 of this act], requiring a study by a public defender contribution task force, are void.

(2) If the appropriation in [this act] through the coordination instruction to [House Bill No. 2] in [section 4 of this act] is vetoed, then [sections 1 and 2 of this act], requiring a study by a public defender contribution task force, are void."

**Renumber:** subsequent section

6. Page 9, line 22.

**Following:** line 21

**Insert:** "NEW SECTION. Section 35. {standard} Termination.

[Sections 1 and 2] terminate December 31, 2020."

- END -