

SENATE BILL REPORT

SB 6645

As Passed Senate, February 16, 1998

Title: An act relating to the office of public defense.

Brief Description: Eliminating the requirement that the director of public defense have experience representing persons accused of crime.

Sponsors: Senators Johnson, Haugen and McCaslin.

Brief History:

Committee Activity: Law & Justice: 2/5/98 [DP].
Passed Senate, 2/16/98, 44-4.

SENATE COMMITTEE ON LAW & JUSTICE

Majority Report: Do pass.

Signed by Senators Roach, Chair; Johnson, Vice Chair; Goings, Hargrove, Long, McCaslin, Thibaudeau and Zarelli.

Staff: Dick Armstrong (786-7460)

Background: The Office of Public Defense has the responsibility of administering all criminal indigent appellate defense services. The Supreme Court appoints the director from a list of three names submitted by an 11-member advisory committee.

At the present time, the director must be a member of the bar for at least five years, have some experience in the representation of persons accused of crimes, and proven managerial experience.

It has been suggested that the advisory committee should be given more latitude to establish the criteria for the director position, which is a managerial position.

Summary of Bill: The advisory committee for the Office of Public Defense is to establish the criteria for the qualifications of the director of the office. The requirement that the director must have criminal defense experience is deleted.

Appropriation: None.

Fiscal Note: Requested on January 20, 1997.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Testimony For: The advisory committee has broad representation, is bipartisan, and has done a good job of monitoring the office. The most critical function of the director is to be

a good manager and help make the office cost effective. The advisory committee should have great discretion in selecting possible candidates.

Testimony Against: The bill is not needed and lowers the bar. Understanding the role of a defense attorney would help the person be a good director. Experience as a defense lawyer helps a director in the management of the office.

Testified: Mary McQueen, Administrator of the Court, member of Advisory Committee (pro); Mark Munester, WA Criminal Defense Attorneys (con).