

SENATE BILL REPORT

HB 2028

As Reported By Senate Committee On:
Judiciary, March 29, 2005

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

Brief Description: Regarding the advisory committee of the office of public defense.

Sponsors: Representatives Kagi and Darneille; by request of Office of Public Defense.

Brief History: Passed House: 3/08/05, 97-0.

Committee Activity: Judiciary: 3/22/05, 3/29/05 [DP].

SENATE COMMITTEE ON JUDICIARY

Majority Report: Do pass.

Signed by Senators Kline, Chair; Weinstein, Vice Chair; Johnson, Ranking Minority Member; Carrell, Esser, McCaslin, Rasmussen and Thibaudeau.

Staff: Lidia Mori (786-7755)

Background: The Office of Public Defense (OPD), created in 1996, administers state-funded indigent defense services for criminal appeals.

The Director of the OPD is supervised by an 11 member advisory committee consisting of judicial representatives, legislators, attorneys, and lay people. One of the members of the advisory committee of the OPD is required to be an appellate judge. During an appointee's term on the committee, the appointee may not: provide indigent defense services except, on a pro bono basis; serve as an appellate judge or appellate court employee; or serve as a prosecutor or prosecutor's employee.

Proponents of this legislation have found that it is extremely difficult to secure an appellate judge to be a member of the advisory committee if he or she is prohibited from ever serving as an appellate judge on a pro tem basis.

Summary of Bill: The appellate judge appointed to the advisory committee of the OPD may, during the term of his or her appointment, serve as an appellate judge on a pro tem basis.

Appropriation: None.

Fiscal Note: Not requested.

Committee/Commission/Task Force Created: No.

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

Testimony For: This bill is the same as the Senate companion that was passed by this committee.

Testimony Against: None.

Who Testified: PRO: Joanne Moore, Office of Public Defense.