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3 HOUSE JUDICIARY COMMITTEE AMENDMENT TO SUBSTITUTE FOR HB379
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8 On page 2, line 10 before the period insert the
9 following:

10 "; to amend Section 15-12-4, Code of 1975, relating
11 to voluntary indigent defense advisory boards, to provide
12 civil immunity for actions taken by the advisory board."

13 On page 2, line 12 delete "and" and insert ", and
14 15-12-4" after 22-52-14.

15 On page 10, after line 21 insert the following:

16 "§15-12-4.

17 "(a) Creation. In each judicial circuit, a voluntary
18 indigent defense advisory board shall be established.

19 "(b) Composition; qualifications, appointment, term
20 of office, and removal of members; vacancies. - The voluntary
21 indigent defense advisory board shall be composed of five
22 members who are residents of the judicial circuit in which
23 they are appointed, including the presiding circuit judge as
24 the chair, the president of the local circuit bar association
25 and three other attorneys all selected by the bar commissioner
26 or commissioners for that circuit. The membership of the
27 voluntary indigent defense advisory board in each judicial

1 circuit shall be inclusive and reflect the racial, gender, and
2 economic diversity of the judicial circuit. In a multi-county
3 circuit, the bar commissioner or commissioners shall select
4 the president of a county bar association existing within the
5 circuit to serve on the indigent defense advisory board. Each
6 member shall serve for a term of one year from the date of
7 appointment and members may be reappointed. Vacancies on the
8 indigent defense advisory board shall be filled by the
9 presiding judge.

10 "(c) Compensation and expenses of members. Members
11 of the voluntary indigent defense advisory board shall serve
12 without compensation; except, that necessary travel expenses
13 in connection with advisory board business shall be paid by
14 the office in the same manner as for state employees
15 generally.

16 "(d) Meetings generally; quorum; chair. The
17 voluntary indigent defense advisory board shall meet at least
18 once quarterly and shall meet whenever so requested by the
19 presiding circuit judge or by two members of the board. Three
20 members shall constitute a quorum for conducting business.

21 "(e) Powers and duties. The voluntary indigent
22 defense advisory board shall perform the following duties and
23 have the following powers:

24 "(1) Analyze, study, and determine the method of
25 indigent defense systems to be used in the circuit. The
26 director may appeal the determination of the indigent defense
27 advisory board to the Indigent Defense Review Panel. The

1 Indigent Defense Review Panel shall make a decision in a
2 timely manner, which decision shall be deemed final.

3 "(2) Provide to the director any information
4 reasonably requested regarding the indigent defense systems
5 used or recommended for the circuit.

6 "(3) At the request of the director, review and
7 provide comment on any statements or bills rendered or
8 submitted for the provision of indigent defense services in
9 the circuit.

10 "(f) Members of the advisory board shall have the
11 same immunities afforded to state agents as provided in
12 Section 36-1-12.