

COMMITTEE BILL ANALYSIS

Bill: Senate Bill 979

Printer's No.: 1136

Sponsor: Senator Greenleaf

Prepared by: Gregg Warner

Synopsis: This bill is the Pennsylvania Center for Effective Indigent Defense Legal Representation Act.

Summary: The bill establishes the Pennsylvania Center for Effective Indigent Defense Legal Representation. A board of directors which is representative of the criminal defense bar will oversee the operation of the center. The center may exist as an independent agency or be affiliated with a Pennsylvania school of law.

Board of directors

The board of directors shall consist of the following:

- (1) A county chief public defender, appointed by the Chief Justice.
- (2) An attorney member of the Juvenile Defenders Association of Pennsylvania, appointed by the Chief Justice.
- (3) A member or a staff member of the Interbranch Commission for Gender, Racial and Ethnic Fairness, appointed by the Chief Justice.
- (4) An attorney member of the Pennsylvania Association of Criminal Defense Lawyers with public defender experience, appointed by the Governor.
- (5) Two members from the law school academic community with a background in public defense legal services, appointed by the Governor.
- (6) An attorney with capital case indigent defense trial, appellate or postconviction experience associated with the Pennsylvania Innocence Project, appointed by the Governor.

Each director shall serve for a term of three years and shall continue to serve until a successor is appointed. Directors shall be eligible for reappointment. Vacancies shall be filled by the appointing authority within 60 days of the vacancy.

The directors shall not receive a salary or per diem allowance for serving as directors but shall be reimbursed for actual and necessary expenses.

The board of directors shall employ an executive director and other staff as necessary to carry out the duties of the center.

Powers and duties

The center shall have the following duties and responsibilities:

(1) Develop and provide continuing education, training and skills development programs and resources for public defender staff attorneys, assigned counsel and contract public defenders representing indigent criminal defendants.

(2) Establish and maintain programs for capital case defense skills training, adult criminal defense training, juvenile delinquency defense training; and management and leadership training for chief defenders and public defender office leaders.

(3) Establish a virtual defender training library consisting of all of the programs generated by the training programs sponsored through the center.

(4) Contract with one or more nonprofit organizations to assist the center in providing any of its duties and responsibilities including any of the education, training and skills development programs.

Appropriation

The bill appropriates the sum of \$1,000,000 to the Pennsylvania Center for Effective Indigent Defense Legal Representation for the fiscal year 2013-2014 for the purpose of funding its general operations under this act.

Effective date

This bill takes effect on July 1, 2013, or immediately, whichever is later.

Background: The United States Supreme Court ruled in Gideon v. Wainwright, 372 U.S. 335 (1963) that free counsel for criminal defendants who cannot afford to hire an attorney is mandated upon the states by the Sixth Amendment of the United States Constitution. After fifty years Pennsylvania is the only state that does not appropriate funds to assist counties in complying with the Gideon constitutional mandate. The appropriation in Senate Bill 979 will relieve Pennsylvania of its unique position of being the only state not providing funds to help underwrite indigent criminal defense services. The center also will seek supplemental funding from federal and private sources.

Report

In December 2011 the Joint State Government Commission issued a report “A Constitutional Default: Services to Indigent Criminal Defendants in Pennsylvania.” Drawing heavily from a study published in 2003 by the Pennsylvania Supreme Court Committee on Racial and Gender Bias, the commission’s Advisory Committee on Services to Indigent Criminal Defendants concluded that Pennsylvania was not meeting the Gideon constitutional mandate.

The Joint State Government Commission report proposed a statewide agency to oversee indigent criminal defense services. In the spirit of that report but recognizing fiscal realities, this legislation is based on a scaled back proposal from the Pennsylvania Coalition for Justice. The coalition includes many of the members of the commission’s advisory committee and it recommends a center that will provide training and education to providers of indigent criminal defense services. This center will contract with proven, established training and education providers to build program agendas and curricula that meet national standards and improve the quality and delivery of indigent criminal defense services throughout Pennsylvania.

Public hearing

On April 1, 2014, the Senate Judiciary Committee held a public hearing to receive testimony about Senate Bill 979 and indigent criminal defense representation.