

AMENDMENT TO REPORT OF THE COMMITTEE OF THE WHOLE

HB1147_H.001

DATE 3/5/2025

Representative Armagost moved to amend the Report of the Committee of the Whole to reverse the action taken by the Committee in not adopting the following Armagost amendment, (L.008) to HB25-1147, to show that said amendment passed and that HB25-1147, as amended, passed.

Amend the Judiciary Committee Report, dated February 26, 2025, page 1, strike lines 3 through 28 and substitute "assembly finds and declares that providing adequate legal representation for indigent municipal court defendants is essential to ensuring fairness, due process, and consistency in the administration of justice. By utilizing the existing defense counsel on first appearance grant program, the state can ensure that all defendants have access to competent legal representation regardless of the prosecuting jurisdiction.".

Page 2 of the committee report, strike lines 1 through 9.

Page 4 of the committee report, after line 14 insert:

"Page 21 of the printed bill, after line 27 insert:

"(6) (a) THE OFFICE OF STATE PUBLIC DEFENDER SHALL RECEIVE AN ANNUAL ALLOCATION FROM THE DEFENSE COUNSEL ON FIRST APPEARANCE GRANT PROGRAM TO PROVIDE LEGAL REPRESENTATION FOR INDIGENT DEFENDANTS FACING INCARCERATION IN MUNICIPAL COURTS. MUNICIPALITIES MAY APPLY FOR REIMBURSEMENT FROM THE DEFENSE COUNSEL ON FIRST APPEARANCE GRANT PROGRAM FOR THE COSTS INCURRED IN PROVIDING INDIGENT DEFENSE SERVICES, SUBJECT TO OVERSIGHT AND APPROVAL BY THE OFFICE OF STATE PUBLIC DEFENDER. THE STATE PUBLIC DEFENDER SHALL ESTABLISH ELIGIBILITY CRITERIA, GUIDELINES, AND REPORTING REQUIREMENTS TO ENSURE APPROPRIATE USE OF MONEY AND EQUITABLE DISTRIBUTION OF RESOURCES AMONG MUNICIPALITIES.

(b) MUNICIPAL COURT DEFENDANTS FACING POTENTIAL INCARCERATION SHALL BE AFFORDED THE RIGHT TO LEGAL REPRESENTATION AT THE STATE'S EXPENSE IF THEY ARE INDIGENT. MUNICIPAL PUBLIC DEFENDERS FUNDED THROUGH THIS SUBSECTION (6) SHALL HAVE THE SAME NOTICE, CASE INFORMATION, AND CLIENT ACCESS RIGHTS AS STATE PUBLIC DEFENDERS. MUNICIPALITIES SHALL BE PROHIBITED FROM IMPOSING A FIXED OR FLAT-FEE PAYMENT STRUCTURE FOR INDIGENT DEFENSE COUNSEL, ENSURING PARITY WITH STATE-LEVEL DEFENSE REPRESENTATION REQUIREMENTS.

(c) FOR THE STATE FISCAL YEAR 2025-2026, THE SUM OF FIVE MILLION DOLLARS IS APPROPRIATED FROM THE DEFENSE COUNSEL ON FIRST APPEARANCE GRANT PROGRAM TO THE OFFICE OF STATE PUBLIC DEFENDER FOR THE PURPOSES SET FORTH IN THIS SUBSECTION (6). FUTURE APPROPRIATIONS SHALL BE REVIEWED AND ADJUSTED ANNUALLY BASED ON CASELOAD DATA AND FUNDING AVAILABILITY."."

*** *** *** *** *