

HOUSE FLOOR AMENDMENT

Second Reading

BY REPRESENTATIVE Armagost

1 Amend the Judiciary Committee Report, dated February 26, 2025, page
2 1, strike lines 3 through 28 and substitute "assembly finds and declares
3 that providing adequate legal representation for indigent municipal court
4 defendants is essential to ensuring fairness, due process, and consistency
5 in the administration of justice. By utilizing the existing defense counsel
6 on first appearance grant program, the state can ensure that all defendants
7 have access to competent legal representation regardless of the
8 prosecuting jurisdiction.".

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

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

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

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

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

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

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