

## 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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