

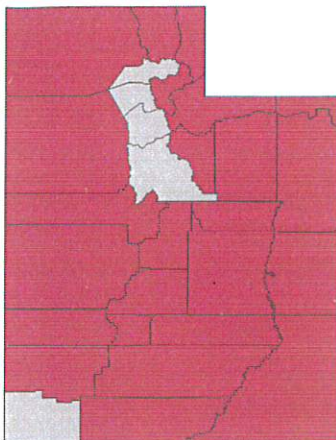


Senate Bill 139

Amendments to Indigent Defense

SB139
Creates the
Indigent Appellate
Defense Division
in the
Utah Indigent
Commission's
Office.

It will provide
Utah's 24 smallest
counties of the
3rd – 6th class
(under 125,000
population)
with appellate
indigent defense
representation.



Indigent individuals charged with a criminal offense have the right to government-funded attorneys on appeal to challenge their convictions in Utah's Court of Appeals & Supreme Court.

Who is Indigent?

Utah statutory definition: earns less than 150% of federal poverty limit (\$9/hour or \$18,735/yr)

Appellate Representation in Utah

Appellate defense is specialized, requiring specific skills and knowledge. The Utah Supreme Court requires appointed attorneys to be qualified.

The Attorney General has a criminal appellate division for all counties' appellate prosecution. While counties have been required to handle all appellate indigent defense representation.

Court reports from 1994 & 2011 identified serious problems in the quality of appellate representation in smaller counties and recommended centralized appellate indigent defense.

Smaller counties lack the resources to provide adequate appellate representation.

75% of states fund appellate indigent defense representation.