



SB 105

Indigent Defense Commission Amendments

THE "INDEPENDENCE OF COUNSEL" IS CONSTITUTIONALLY PROTECTED."

STRICKLAND V. WASHINGTON, 466 U.S. 668 (1984).

Independence. The ability to exercise independent judgment without fear of retaliation, to be able to represent people based on the attorney's own independent judgment and not undue influence by judges, prosecutors, law enforcement, or a funding entity.

- This bill achieves independence by:
 - Moving oversight of the Office of Indigent Defense Services under the Indigent Defense Commission, whose Commissioners are Governor nominated and Senate approved.
 - Clarifying that the IDC appoints and may remove the Office's Executive Director by a majority vote.
 - Creating the necessary independence without expanding government or increasing costs. There is no fiscal note on this bill.

Utah Code -- Indigent Defense Act



**COMMISSION ON
CRIMINAL AND
JUVENILE JUSTICE**
Purpose:
Policy Coordination

**INDIGENT
DEFENSE
COMMISSION**
Purpose: Policy

**OFFICE OF
INDIGENT DEFENSE
SERVICES**
Purpose: Implementation

