

S.B. 149
PROVIDING FOR INDIGENT DEFENSE

Senator **Gregory S. Bell** proposes the following amendments:

1. *Page 2, Lines 47 through 54:*

47 (6) "Legal defender's office" means a department of county government created and
48 authorized by the county legislative body to provide legal representation in criminal matters to
49 indigent ~~{defenders}~~ defendants .

(7) "Legal defense" means legal counsel, defense resources, or both.

50 ~~{(6)}~~ ~~{(7)}~~ (8) "Participating county" means a county which has complied with the provisions
51 of this chapter for participation in the Indigent Capital Defense Trust Fund as provided in
52 Sections 77-32-602 and 77-32-603 or the Indigent Felony Defense Trust Fund as provided in
53 Sections 77-32-702 and 77-32-703.

54 ~~{(7)}~~ ~~{(8)}~~ (9) "Serious offense" means a felony or capital felony.

2. *Page 5, Line 143 through Page 6, Line 162:*

143 77-32-306. County or municipal legislative body to ~~{appoint counsel or}~~ provide legal
defense

144 ~~{resources or provide these services through legal aid associations}~~ .

145 (1) The county or municipal legislative body shall either:

146 (a) contract to provide the legal defense, including counsel, defense resources, or both,
147 as prescribed by this chapter, and as available, through:

148 (i) a legal aid association; or

149 (ii) one or more defense associations or attorneys and qualified defense resources; ~~{for}~~ or

150 (b) authorize the court to provide the services prescribed by this chapter by assigning a
151 qualified attorney in each case ~~{,; or}~~ .

152 ~~{(c)}~~ (2) A county may create a county legal defender's office to provide for the legal defense,
including

153 counsel and defense resources or both, as prescribed by this chapter.

154 ~~{(2) The department}~~ (3) A county legal defender's office may, through the county
legislative body contract with other

155 counties and municipalities within a judicial district to provide the legal services as prescribed.

156 ~~{(2)}~~ ~~{(3)}~~ (4) When a county or municipality has contracted under Subsection (1)(a) or a
county has

157 created a legal defender's office as provided under Subsection ~~{(1)(c)}~~ (2) to provide the legal
158 counsel and defense resources required by this chapter, the contracted legal aid association or

159 attorneys . ~~{and}~~ contracted defense resources , and the county legal defender's office are the
exclusive source from which the legal
160 defense may be provided, unless the court finds a compelling reason for the appointment of
161 noncontracting attorneys and defense resources, in which case the judge shall state the
162 compelling reason on the record.