

1st Sub. S.B. 139
AMENDMENTS TO INDIGENT DEFENSE

Senator **Ralph Okerlund** proposes the following amendments:

1. *Page 6, Lines 156 through 169:*

- 156 (1) A court shall advise the following of the individual's right to counsel when the
157 individual first appears before the court:
- 158 (a) an adult charged with a criminal offense the penalty for which includes the
159 possibility of incarceration regardless of whether actually imposed;
- 160 (b) a parent or legal guardian facing ~~[any]~~ an action initiated by the state under:
- 161 (i) Title 78A, Chapter 6, Part 3, Abuse, Neglect, and Dependency Proceedings;
- 162 (ii) Title 78A, Chapter 6, Part 5, Termination of Parental Rights Act; or
- 163 (iii) Title 78A, Chapter 6, Part 10, Adult Offenses; ~~[or]~~
- 164 ~~[(iv) Section 78B-6-112; or]~~
- 165 (c) a parent or legal guardian facing an action initiated by ~~{a private}~~ any party under:
- 166 (i) Title 78A, Chapter 6, Part 5, Termination of Parental Rights Act; or
- 167 (ii) Section 78B-6-112; or
- 168 ~~[(c)]~~ (d) an individual described in this Subsection (1), who is appealing ~~[a first appeal~~
169 ~~from]~~ a conviction or other final court action.

2. *Page 15, Lines 453 through 454:*

- 453 (1) (a) "Appellate defense services" means the representation of an indigent individual
454 facing an appeal under Section 77-18a-1.

(b) "Appellate defense services" does not include the representation of an indigent individual facing an appeal in a case where the indigent individual was prosecuted for aggravated murder in a county participating in the Indigent Aggravated Murder Defense Trust Fund created in Section 78B-22-701.