

SB0714/402018/2

BY: House Judiciary Committee

AMENDMENTS TO SENATE BILL 714  
(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 2, strike “Bail Review and”; and in line 6, after “indigent;” insert “authorizing a certain individual to apply for representation by the Office of the Public Defender to a District Court commissioner at a certain time; requiring a District Court commissioner to make a certain preliminary determination for a certain purpose; providing that a certain indigent individual shall be represented by the Office of the Public Defender under certain circumstances; providing that a certain representation at a certain initial appearance shall terminate at the conclusion of the proceeding, with a certain exception; requiring a commissioner to make a certain determination at a certain time; requiring a commissioner to notify a certain individual in writing of a certain determination under certain circumstances; authorizing a certain individual to submit additional information to a certain commissioner for a certain purpose;”.

AMENDMENT NO. 2

On page 3, in line 9, after “(D)” insert “(1)”; and after line 10, insert:

**“(2) AN INDIVIDUAL CHARGED WITH A CRIME THAT CARRIES A PENALTY OF INCARCERATION MAY APPLY FOR REPRESENTATION BY THE OFFICE TO A DISTRICT COURT COMMISSIONER DURING COMMISSIONER OPERATING HOURS.**

**(3) (1) FOR THE PURPOSE OF AN INITIAL APPEARANCE PROCEEDING OR BAIL REVIEW, A DISTRICT COURT COMMISSIONER SHALL MAKE A PRELIMINARY DETERMINATION AS TO WHETHER AN INDIVIDUAL QUALIFIES AS INDIGENT.**

(Over)

(II) AN INDIGENT INDIVIDUAL SHALL BE REPRESENTED BY THE OFFICE IF THE INITIAL APPEARANCE OR BAIL REVIEW IS BEFORE A JUDGE.

(III) REPRESENTATION AT THE INITIAL APPEARANCE SHALL TERMINATE AT THE CONCLUSION OF THE PROCEEDING, UNLESS THE COMMISSIONER HAS MADE A FINAL DETERMINATION THAT THE INDIVIDUAL QUALIFIES AS INDIGENT AND THE OFFICE HAS ENTERED A GENERAL APPEARANCE.

(4) THE COMMISSIONER SHALL:

(I) MAKE A FINAL DETERMINATION AS TO WHETHER AN INDIVIDUAL IS:

1. INDIGENT AND QUALIFIED FOR SERVICES OF THE OFFICE; OR

2. NOT QUALIFIED FOR SERVICES OF THE OFFICE; OR

(II) DETERMINE THAT THE INDIVIDUAL'S FINANCIAL STATUS IS SUBJECT TO FURTHER VERIFICATION.

(5) IF THE COMMISSIONER MAKES A FINAL DETERMINATION UNDER ITEM (4)(I) OF THIS SUBSECTION, THE COMMISSIONER SHALL NOTIFY THE INDIVIDUAL IN WRITING OF THE DETERMINATION.

(6) AN INDIVIDUAL WHOSE FINANCIAL STATUS IS SUBJECT TO FURTHER VERIFICATION MAY SUBMIT TO THE COMMISSIONER ADDITIONAL INFORMATION TO BE QUALIFIED FOR SERVICES OF THE OFFICE.”.