

HB0122/958876/1

BY: Judicial Proceedings Committee

AMENDMENTS TO HOUSE BILL 122
(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 2, strike “Criminal Procedure” and substitute “Office of the Public Defender”; in lines 2 and 3, strike “of the Office of the Public Defender – Modification” and substitute “- Membership”; in line 4, strike “a provision of law requiring” and substitute “the requirement”; in line 6, strike “, by a certain vote.”; in line 7, after “reasons” insert “, only on the recommendation of the Board of Trustees”; in line 8, after the semicolon insert “providing that the Public Defender may serve for a certain term;”; and in lines 9 and 10, strike “and chair”.

On pages 1 and 2, strike beginning with “requiring” in line 10 on page 1 down through “qualifies” in line 5 on page 2 and substitute “increasing the number of members of the Board of Trustees who are required to be active attorneys admitted to practice before the Court of Appeals of Maryland; requiring certain members of the Board of Trustees to have certain qualifications; prohibiting certain persons from serving on the Board of Trustees; providing for the staggering of terms of the Board of Trustees; specifying that at the end of a term a member of the Board of Trustees continues to serve until a successor is appointed and qualifies; authorizing the reappointment to the Board of Trustees of a member whose term has expired; providing for the manner of appointing a member to fill a vacancy on the Board of Trustees; increasing the requirements for a quorum of the Board of Trustees; altering the number of members of the Board of Trustees that are required to make a request in order to call for an additional meeting; requiring that the initial members of the Board of Trustees be appointed on or before a certain date; specifying the terms of the initial members of the Board of Trustees; providing that a member of the Board of Trustees who is serving on the effective date of this Act shall continue to serve until a successor is appointed and qualifies; providing that the Public Defender who is serving on the effective date of this Act may continue to serve for a certain time”.

(Over)

On page 2, strike in their entirety lines 12 through 16, inclusive.

AMENDMENT NO. 2

On page 3, after line 4, insert:

“(7) THE PUBLIC DEFENDER SERVES FOR A TERM OF 6 YEARS.”;

in line 7, strike “(1)”; strike beginning with “appointed” in line 7 down through “ASSOCIATIONS” in line 16; in line 18, strike “AND HAVE DEMONSTRATED COMMITMENT TO INDIGENT DEFENSE”; strike in their entirety lines 19 through 23, inclusive, and substitute:

“(2) NINE MEMBERS OF THE BOARD OF TRUSTEES SHALL BE APPOINTED BY THE GOVERNOR WITH THE ADVICE AND CONSENT OF THE SENATE AND SHALL INCLUDE A REPRESENTATIVE OF EACH JUDICIAL CIRCUIT OF THE STATE.

(3) SIX MEMBERS OF THE BOARD OF TRUSTEES APPOINTED BY THE GOVERNOR SHALL BE ACTIVE ATTORNEYS ADMITTED TO PRACTICE BEFORE THE COURT OF APPEALS OF MARYLAND.

(4) ONE MEMBER SHALL BE APPOINTED BY THE PRESIDENT OF THE SENATE.

(5) ONE MEMBER SHALL BE APPOINTED BY THE SPEAKER OF THE HOUSE OF DELEGATES.

(6) ONE MEMBER SHALL BE THE DEAN OF THE UNIVERSITY OF MARYLAND SCHOOL OF LAW, OR THE DEAN’S DESIGNEE.

(7) ONE MEMBER SHALL BE THE DEAN OF THE UNIVERSITY OF BALTIMORE SCHOOL OF LAW, OR THE DEAN'S DESIGNEE.

(8) EACH MEMBER APPOINTED TO THE BOARD OF TRUSTEES SHALL:

(I) HAVE SIGNIFICANT EXPERIENCE IN CRIMINAL DEFENSE OR OTHER MATTERS RELEVANT TO THE WORK OF THE BOARD OF TRUSTEES; OR

(II) HAVE DEMONSTRATED A STRONG COMMITMENT TO QUALITY REPRESENTATION OF INDIGENT DEFENDANTS, INCLUDING JUVENILE RESPONDENTS.

(9) A MEMBER OF THE BOARD OF TRUSTEES MAY NOT BE:

(I) A CURRENT MEMBER OR EMPLOYEE OF:

1. THE JUDICIAL BRANCH; OR

2. A LAW ENFORCEMENT AGENCY IN THE STATE; OR

(II) 1. A STATE'S ATTORNEY OF A COUNTY OR MUNICIPAL CORPORATION OF THE STATE;

2. THE ATTORNEY GENERAL OF MARYLAND; OR

3. THE STATE PROSECUTOR";

(Over)

in line 24, strike “a” and substitute “AN APPOINTED”; in line 25, after “OF” insert “APPOINTED”; in line 26, strike “JUNE” and substitute “OCTOBER”; after line 27, insert:

“(3) A VACANCY OCCURRING ON THE BOARD OF TRUSTEES DURING THE TERM OF A MEMBER SHALL BE FILLED FOR THE REMAINDER OF THE UNEXPIRED TERM IN THE SAME MANNER AS PROVIDED FOR APPOINTMENTS IN THIS SECTION.”;

and in lines 28 and 30, strike “(3)” and “(4)”, respectively, and substitute “(4)” and “(5)”.

On page 4, strike in their entirety lines 1 through 3, inclusive; in lines 4 and 6, in each instance, strike the bracket; and in line 12, strike “two” and substitute “FOUR”.

On pages 4 through 6 strike in their entirety the lines beginning with line 19 on page 4 through line 12 on page 6, inclusive.

On page 6, strike in their entirety lines 17 through 23, inclusive, and substitute:

“(1) the members appointed by the Governor representing judicial circuits one through four in 2012;

(2) the members appointed by the Governor representing judicial circuits five through eight in 2013; and

(3) the members appointed by the President of the Senate and the Speaker of the House of Delegates in 2014.”;

after line 26, insert:

“SECTION 5. AND BE IT FURTHER ENACTED, That the Public Defender who is serving on the effective date of this Act may continue to serve until 6 years after the effective date of this Act.”;

in line 27, strike “5.” and substitute “6.”; and in line 28, strike “June” and substitute “October”.