

BY: House Judiciary Committee

AMENDMENTS TO SENATE BILL 97
(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, strike line 2 in its entirety and substitute “Criminal Procedure – Board of Trustees of the Office of the Public Defender - Modification”; in line 10, strike “the requirement” and substitute “a provision of law requiring”; in line 12, after “Trustees” insert “, by a certain vote,”; strike beginning with the comma in line 13 down through “term” in line 14; in line 16, after “members” insert “and chair”; in the same line, after “Trustees;” insert “requiring each member of the Board of Trustees to have demonstrated commitment to indigent defense;”; strike beginning with “requiring” in line 19 down through “qualifications;” in line 20; and in line 20 strike “certain persons from serving on” and substitute “a prosecutor, judge, or law enforcement officer from being a member of”.

On pages 1 and 2, strike beginning with “providing” in line 25 on page 1 down through “a” in line 1 on page 2 and substitute “increasing the”; strike beginning with “altering” in line 2 down through “time;” in line 9 and substitute “repealing provisions of law relating to regional advisory boards of the Office of the Public Defender; 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;”; and after line 15, insert:

“BY repealing

Article – Criminal Procedure

Section 16–303 and 16–304

Annotated Code of Maryland

(2008 Replacement Volume and 2009 Supplement)”.

(Over)

AMENDMENT NO. 2

On page 3, strike line 3 in its entirety; and strike line 7 in its entirety and substitute “MEMBERS APPOINTED BY THE GOVERNOR, 12 OF WHOM EACH REPRESENT A PUBLIC DEFENDER DISTRICT, AND THE 13TH OF WHOM IS THE CHAIR.

(2) THE BAR ASSOCIATION OF EACH COUNTY SHALL SUBMIT TO THE GOVERNOR THE NAMES OF THREE INDIVIDUALS FOR CONSIDERATION FOR AN OPEN POSITION ON THE BOARD OF TRUSTEES REPRESENTING THE PUBLIC DEFENDER DISTRICT IN WHICH THE COUNTY IS LOCATED.

(3) THE GOVERNOR SHALL CHOOSE THE MEMBERS OF THE BOARD OF TRUSTEES, OTHER THAN THE CHAIR, FROM AMONG THE NAMES SUBMITTED BY THE BAR ASSOCIATIONS.”.

On pages 2 through 5, strike in their entirety the lines beginning with line 20 on page 3 through line 28 on page 5, and substitute:

“(c) (1) Each member of the Board of Trustees shall be a resident of the State AND HAVE DEMONSTRATED COMMITMENT TO INDIGENT DEFENSE.

(2) [Two members] EACH MEMBER of the Board of Trustees shall be AN active [attorneys] ATTORNEY admitted to practice before the Court of Appeals of Maryland.

(3) A PROSECUTOR, JUDGE, OR LAW ENFORCEMENT OFFICER MAY NOT BE A MEMBER OF THE BOARD OF TRUSTEES.

(d) (1) The term of a member of the Board of Trustees is 3 years.

(2) THE TERMS OF MEMBERS ARE STAGGERED AS REQUIRED BY THE TERMS PROVIDED FOR MEMBERS OF THE BOARD OF TRUSTEES ON JUNE 1, 2010.

(3) AT THE END OF A TERM A MEMBER CONTINUES TO SERVE UNTIL A SUCCESSOR IS APPOINTED AND QUALIFIES.

(4) A MEMBER WHOSE TERM HAS EXPIRED MAY BE REAPPOINTED TO THE BOARD OF TRUSTEES.

[(2)] (5) A vacancy occurring on the Board of Trustees during the term of a member shall be filled by the Governor IN ACCORDANCE WITH SUBSECTION (B) OF THIS SECTION for the remainder of the unexpired term.

(e) [(1) The Board of Trustees annually shall elect a chair from among its members.

(2)] The chair shall preside over and represent the interests of the Board of Trustees in carrying out this title.

(f) [Two] SEVEN members of the Board of Trustees are a quorum.

(g) (1) The Board of Trustees shall hold at least one regular annual meeting at a time and place that the chair designates.

(2) Additional meetings shall be held as necessary and may be called on notice by the chair or at the request of at least two members of the Board of Trustees.

(h) A member of the Board of Trustees:

(Over)

(1) may not receive compensation for serving on the Board of Trustees;
but

(2) is entitled to reimbursement for expenses under the Standard State Travel Regulations, as provided in the State budget.

[16–303.

(a) There are four regional advisory boards of the Office.

(b) Each regional advisory board consists of five members appointed by the Governor.

(c) Of the four regional advisory boards:

(1) the first shall advise public defender districts one, eight, and nine, which encompass Baltimore City, Baltimore County, and Harford County;

(2) the second shall advise public defender districts two and three, which encompass Caroline County, Cecil County, Dorchester County, Kent County, Queen Anne’s County, Somerset County, Talbot County, Wicomico County, and Worcester County;

(3) the third shall advise public defender districts four, five, and seven, which encompass Anne Arundel County, Calvert County, Charles County, Prince George’s County, and St. Mary’s County; and

(4) the fourth shall advise public defender districts six, ten, eleven, and twelve, which encompass Allegany County, Carroll County, Frederick County, Garrett County, Howard County, Montgomery County, and Washington County.

(d) Each member of a regional advisory board shall be:

(1) a resident of a district represented by that regional advisory board;
and

(2) (i) a judge of a circuit court;

(ii) a judge of the District Court; or

(iii) an active attorney admitted to practice before the Court of Appeals of Maryland.

(e) (1) The term of a member of a regional advisory board is 3 years.

(2) A vacancy occurring on a regional advisory board during the term of a member shall be filled by the Governor for the remainder of the unexpired term.

(f) (1) The Governor shall annually designate a chair of each regional advisory board from among the members of that regional advisory board.

(2) The chair shall preside over and represent the interests of that regional advisory board in carrying out this title.

(g) Three members of a regional advisory board are a quorum.

(h) (1) Each regional advisory board shall hold at least one regular annual meeting at a time and place that the chair designates.

(2) Additional meetings may be called:

(i) on notice by the chair;

(ii) on notice by the Public Defender;

(Over)

(iii) on notice by the district public defender from a district represented by that regional advisory board; or

(iv) at the request of at least three members of the regional advisory board.

(i) A member of a regional advisory board:

(1) may not receive compensation for serving on the regional advisory board; but

(2) is entitled to reimbursement for expenses under the Standard State Travel Regulations, as provided in the State budget.]

[16–304.

Each regional advisory board shall:

(1) study and observe the operation of district public defender offices; and

(2) advise the Public Defender and district public defenders on panels of attorneys, fees, and other matters about the operation of district public defender offices and the public defender system.].”

On page 6, strike lines 3 through 8 in their entirety and substitute:

“(1) The members representing public defender districts one through four in 2012;

(2) The members representing public defender districts five through eight in 2013;

(3) The members representing public defender districts nine through twelve in 2014; and

(4) The chair in 2014.”;

and strike lines 12 through 16 in their entirety and substitute:

“SECTION 5. AND BE IT FURTHER ENACTED, That this Act shall take effect June 1, 2010.”.