

# SENATE BILL 97

E2, D1

0lr0936

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By: **Senator Mooney**

Introduced and read first time: January 14, 2010

Assigned to: Judicial Proceedings

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## A BILL ENTITLED

1 AN ACT concerning

### 2 **Public Defender Board of Trustees – Composition**

3 FOR the purpose of altering the composition of the Board of Trustees of the Office of  
4 the Public Defender; altering the manner by which members of the Board of  
5 Trustees are appointed; establishing qualifications of members of the Board of  
6 Trustees; establishing the number of members of the Board of Trustees  
7 necessary for a quorum; authorizing a certain number of members of the Board  
8 of Trustees to call for additional meetings; providing for diversity of  
9 membership of the Board of Trustees; providing for the manner in which  
10 vacancies are filled on the Board of Trustees; and generally relating to the  
11 Board of Trustees of the Office of the Public Defender.

12 BY repealing and reenacting, with amendments,  
13 Article – Criminal Procedure  
14 Section 16–301  
15 Annotated Code of Maryland  
16 (2008 Replacement Volume and 2009 Supplement)

17 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF  
18 MARYLAND, That the Laws of Maryland read as follows:

### 19 **Article – Criminal Procedure**

20 16–301.

21 (a) There is a Board of Trustees of the Office of the Public Defender.

22 (b) The Board of Trustees consists of [three] **THE FOLLOWING ELEVEN**  
23 **[members appointed by the Governor.] MEMBERS:**

24 **(1) FOUR MEMBERS APPOINTED BY THE GOVERNOR;**

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1                   **(2) TWO MEMBERS APPOINTED BY THE CHIEF JUDGE OF THE**  
2 **COURT OF APPEALS;**

3                   **(3) ONE MEMBER APPOINTED BY THE PRESIDENT OF THE**  
4 **SENATE;**

5                   **(4) ONE MEMBER APPOINTED BY THE SPEAKER OF THE HOUSE;**

6                   **(5) ONE MEMBER APPOINTED BY THE PRESIDENT OF THE**  
7 **MARYLAND STATE BAR ASSOCIATION;**

8                   **(6) ONE MEMBER APPOINTED BY THE DEAN OF THE UNIVERSITY**  
9 **OF MARYLAND SCHOOL OF LAW; AND**

10                   **(7) ONE MEMBER APPOINTED BY THE DEAN OF THE UNIVERSITY**  
11 **OF BALTIMORE SCHOOL OF LAW.**

12           (c)   (1)   Each member of the Board of Trustees shall be a resident of the  
13 State.

14                   (2)   [Two] **AT LEAST NINE** members of the Board of Trustees shall be  
15 active attorneys admitted to practice before the Court of Appeals of Maryland.

16           **(D) TO THE EXTENT PRACTICABLE, IN APPOINTING MEMBERS TO THE**  
17 **BOARD, THE APPOINTING AUTHORITIES SHALL ENSURE THAT:**

18                   **(1) EACH GEOGRAPHIC REGION OF THE STATE IS REPRESENTED**  
19 **EQUITABLY; AND**

20                   **(2) THE BOARD OF TRUSTEES COLLECTIVELY REFLECTS THE**  
21 **RACIAL, ETHNIC, AGE, AND GENDER DIVERSITY OF THE STATE.**

22           [(d)] **(E)**   (1)   The term of a member of the Board of Trustees is 3 years.

23                   (2)   A vacancy occurring on the Board of Trustees during the term of a  
24 member shall be filled [by the Governor] for the remainder of the unexpired term **IN**  
25 **THE SAME MANNER AS PROVIDED FOR APPOINTMENTS IN THIS SECTION.**

26           [(e)] **(F)**   (1)   The Board of Trustees annually shall elect a chair from  
27 among its members.

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

1           [(f)] (G)       [Two] **SIX** members of the Board of Trustees are a quorum.

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

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

7           [(h)] (I)       A member of the Board of Trustees:

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

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

12           SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
13 October 1, 2010.