

HOUSE BILL REPORT

HB 2028

As Passed House:

March 8, 2005

Title: An act relating to the advisory committee of the office of public defense.

Brief Description: Regarding the advisory committee of the office of public defense.

Sponsors: By Representatives Kagi and Darneille; by request of Office of Public Defense.

Brief History:

Committee Activity:

Judiciary: 2/23/05, 2/25/05 [DP].

Floor Activity:

Passed House: 3/8/05, 07-0.

Brief Summary of Bill

- Allows an appointee of the Office of Public Defense advisory committee to serve as a pro tem appellate court judge.

HOUSE COMMITTEE ON JUDICIARY

Majority Report: Do pass. Signed by 10 members: Representatives Lantz, Chair; Flannigan, Vice Chair; Williams, Vice Chair; Priest, Ranking Minority Member; Rodne, Assistant Ranking Minority Member; Campbell, Kirby, Serben, Springer and Wood.

Staff: Trudes Tango Hutcheson (786-7384).

Background:

The Office of Public Defense (OPD), which was created in 1996 and scheduled to sunset in 2009, administers state-funded indigent defense services for criminal appeals.

The director of the OPD is appointed by the state Supreme Court. The Director is supervised by an 11-member advisory committee consisting of judicial representatives, legislators, attorneys, and lay people. The chair and two other members are appointed by the Supreme Court, one member is appointed by the Court of Appeals, two nonattorney members are appointed by the Governor, four members are appointed by the Legislature, and one member is appointed by the Washington State Bar Association.

During an appointee's term on the committee, the appointee may not provide indigent defense services except on a pro bono basis, be an appellate judge or appellate court employee, or be a prosecutor or prosecutor employee.

For various reasons, temporary judges are sometimes used to hear cases in the Court of Appeals. The chief justice of the Supreme Court may appoint any regularly elected superior court judge or any retired superior, appellate, or Supreme Court judge to serve as a pro temp judge on the Court of Appeals.

Summary of Bill:

An appointee of the OPD advisory committee may serve as a pro tem appellate court judge.

Appropriation: None.

Fiscal Note: Not requested.

Effective Date: The bill takes effect 90 days after adjournment of session in which bill is passed.

Testimony For: This bill will allow for some appellate representation on the advisory committee.

Testimony Against: None.

Persons Testifying: Representative Kagi, prime sponsor.

Persons Signed In To Testify But Not Testifying: None.