

STATE OF OKLAHOMA

2nd Session of the 43rd Legislature (1992)

SENATE BILL NO. 975

BY: GUSTAFSON

AS INTRODUCED

AN ACT RELATING TO INDIGENT DEFENSE IN CRIMINAL

CASES; AMENDING 22 O.S. 1991, SECTION 1355.5, WHICH
RELATES TO INDIGENT DEFENSE IN CRIMINAL CASES;
MODIFYING LANGUAGE; AND PROVIDING AN EFFECTIVE
DATE.

BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

SECTION 1. AMENDATORY 22 O.S. 1991, Section 1355.5, is amended to read as follows:

Section 1355.5 A. Effective July 1, 1992, for each Judicial Administrative District, except the District for Tulsa-Pawnee counties, the Board shall provide for indigent defense in one of the following manners by:

1. ~~By creation~~ Creation of an indigent defender district with an office of trial indigent defender pursuant to this section;
2. ~~By contracting~~ Contracting with an attorney or attorneys in private practice to represent indigents pursuant to Section 9 of this act; or
3. ~~By providing~~ Providing for court appointment from a list of attorneys in private practice who have informed the Board that they are volunteering to represent indigents, pursuant to Section 9 of this act. The list for each Judicial Administrative District shall

be compiled by the Board and provided to the courts in each District.

The provisions of this section shall not apply to those counties subject to the provisions of Section 138.1 of Title 19 of the Oklahoma Statutes and said counties shall not be included in the indigent defense program established for any Judicial Administrative District. For purposes of indigent defense only, Pawnee county shall be included in the Northeastern Judicial Administrative District.

B. There is hereby created the Trial Indigent Defender Division to be comprised of each Judicial Administrative District in which an office of trial indigent defender is established. The Executive Director shall serve as the chief administrative officer of the Division.

C. The Board shall determine whether or not a Judicial Administrative District shall be included in a trial indigent defender district, based on the findings of the Board as to whether it is financially feasible for the Judicial Administrative District to be included in an indigent defender district, and on recommendations received from a panel comprised of the Presiding Judge of the Judicial Administrative District, and two (2) attorneys selected by the Board and licensed to practice law in this state, who are experienced in defending criminal cases and are members of bar associations of counties within the Judicial Administrative District who shall serve without compensation; provided if a district is comprised of more than one county, the attorneys shall not be residents of the same county in which the Presiding Judge resides and if the district is comprised of more than two counties, the attorneys shall not be residents of the same county. The attorneys shall serve for two-year terms and until their successors are appointed. Vacancies on the panel shall be filled in the same manner as the original appointments; provided, if a Judicial

Administrative District is comprised of more than three counties, the attorneys appointed by the panel shall not be residents of either of the counties in which their predecessors reside or of the county in which the Presiding Judge resides.

The Board shall notify the Presiding Judge of each Judicial Administrative District in writing of such determination by January 2, 1992.

D. Once a Judicial Administrative District has been included in an indigent defender district it shall not be withdrawn from participation in the Trial Indigent Defender Division, unless the Board determines that another method of providing for defense of indigents should be used. The panel provided for in subsection C of this section may make recommendations for proposed changes to the Board.

E. Any Judicial Administrative District having previously been excluded from a trial indigent defender district may be placed in such a district the following fiscal year by written notification by the Board to the Presiding Judge of the Judicial Administrative District by August 15th of that fiscal year.

F. There shall be one trial indigent defender in each of the indigent defender districts and said person shall serve as the chief administrative officer of that district. Trial indigent defenders shall be:

1. Licensed to practice law in the State of Oklahoma;
2. Experienced in the defense of criminal cases; and
3. Licensed to practice law for at least four (4) years prior to appointment.

G. The trial indigent defenders shall serve at the pleasure of the Board, and shall continue in office until their successors take office.

H. Each indigent defender district shall have as many assistant indigent defenders, investigators, research assistants, and support

staff as necessary to represent indigent citizens, as determined by the Board. The trial indigent defender shall have the responsibility of hiring all assistants, investigators and support staff within the budget prescribed by the Board. All employees of each indigent defender district shall serve at the pleasure of the trial indigent defender for that district.

I. Any Judicial Administrative District which is not included in a trial indigent defender district shall have all claims for attorney fees for defending indigents submitted to the Executive Director for payment from the Indigent Defense System Revolving Fund.

SECTION 2. This act shall become effective September 1, 1992.

43-2-1689

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