
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1217 Session of
2019

INTRODUCED BY McCLINTON, HILL-EVANS, RABB, SCHLOSSBERG, FRANKEL,
CALTAGIRONE, KINSEY, HARRIS, DALEY, NEILSON, LEWIS AND
CIRESI, APRIL 15, 2019

REFERRED TO COMMITTEE ON JUDICIARY, APRIL 15, 2019

AN ACT

1 Establishing the Pennsylvania Center for Effective Indigent
2 Defense Legal Representation; providing for its duties and
3 responsibilities; and making an appropriation.

4 The General Assembly of the Commonwealth of Pennsylvania
5 hereby enacts as follows:

6 Section 1. Short title.

7 This act shall be known and may be cited as the Pennsylvania
8 Center for Effective Indigent Defense Legal Representation Act.

9 Section 2. Legislative findings.

10 The General Assembly finds the following:

11 (1) The United States Supreme Court ruled in *Gideon v.*
12 *Wainwright*, 372 U.S. 335 (1963) that free counsel for
13 criminal defendants who cannot afford to hire an attorney is
14 mandated upon the states by the Sixth Amendment to the
15 Constitution of the United States.

16 (2) Pennsylvania is the only state that does not
17 appropriate funds toward assisting counties in complying with
18 the *Gideon* mandate.

1 (3) Pennsylvania should appropriate funds to comply with
2 *Gideon* and in so doing establish and provide for a center to
3 support the delivery of services to indigent criminal
4 defendants in this Commonwealth.

5 Section 3. Definitions.

6 The following words and phrases when used in this act shall
7 have the meanings given to them in this section unless the
8 context clearly indicates otherwise:

9 "Board of directors" or "directors." The board of directors
10 of the Pennsylvania Center for Effective Indigent Defense Legal
11 Representation.

12 "Center." The Pennsylvania Center for Effective Indigent
13 Defense Legal Representation.

14 "Executive director." The executive director of the center.

15 Section 4. Pennsylvania Center for Effective Indigent Defense
16 Legal Representation.

17 (a) Establishment.--The Pennsylvania Center for Effective
18 Indigent Defense Legal Representation is established.

19 (b) Operation.--A board of directors representative of the
20 criminal defense bar of this Commonwealth shall oversee the
21 operation of the center.

22 (c) Rules and regulations.--The board of directors may
23 promulgate rules and regulations to carry out its duties and
24 responsibilities and the duties and responsibilities of the
25 center under this act.

26 Section 5. Board of directors.

27 (a) Composition.--The board of directors shall consist of
28 the following members:

29 (1) A county chief public defender, appointed by the
30 Chief Justice of Pennsylvania from a list of three

1 recommendations from the Public Defenders Association of
2 Pennsylvania.

3 (2) An attorney member of the Juvenile Defenders
4 Association of Pennsylvania, appointed by the Chief Justice
5 of Pennsylvania from a list of three recommendations from the
6 Juvenile Defenders Association of Pennsylvania.

7 (3) A member or a staff member of the Pennsylvania
8 Interbranch Commission for Gender, Racial and Ethnic
9 Fairness, appointed by the Chief Justice of Pennsylvania from
10 a list of three recommendations from the Pennsylvania
11 Interbranch Commission for Gender, Racial and Ethnic
12 Fairness.

13 (4) An attorney member of the Pennsylvania Association
14 of Criminal Defense Lawyers with public defender experience,
15 appointed by the Governor from a list of three
16 recommendations from the Pennsylvania Association of Criminal
17 Defense Lawyers.

18 (5) Two members from the law school academic community
19 with a background in public defense legal services, appointed
20 by the Governor.

21 (6) An attorney with capital case indigent defense
22 trial, appellate or postconviction experience associated with
23 the Pennsylvania Innocence Project at Temple University
24 Beasley School of Law, appointed by the Governor from a list
25 of three recommendations from the Pennsylvania Innocence
26 Project at Temple University Beasley School of Law.

27 (b) Chairperson and vice chairperson.--The directors shall
28 annually elect, by a majority vote of the voting members, a
29 chairperson and vice chairperson.

30 (c) Quorum.--Four directors shall constitute a quorum for

1 the transaction of any business, and any act by a majority of
2 the directors present at any meeting in which there is a quorum
3 shall be deemed to be an act of the board of directors.

4 (d) Compensation and expenses.--The directors shall not
5 receive a salary or per diem allowance for serving as directors,
6 but shall be reimbursed for actual and necessary expenses
7 incurred in the performance of their duties. Expenses may
8 include reimbursement of travel and living expenses while
9 engaged in center business.

10 (e) Terms of directors.--

11 (1) Each director shall serve for a term of three years
12 and shall continue to serve until a successor is appointed,
13 except that the directors first appointed under:

14 (i) Subsection (a)(1) and (4) shall serve for terms
15 to expire on June 30 of the year following their
16 appointment.

17 (ii) Subsection (a)(2) and one of the members under
18 subsection (a)(5) shall serve for a term to expire on
19 June 30 of the second year following their appointment.

20 (iii) Subsection (a)(3) and (6) and one of the
21 members under subsection (a)(5) shall serve for terms to
22 expire on June 30 of the third year following their
23 appointment.

24 (2) Directors shall be eligible for reappointment.
25 Vacancies on the board of directors shall be filled by the
26 appointing authority within 60 days of the vacancy.

27 (3) A director may be removed for just cause by the
28 appointing authority.

29 (f) General powers.--The board of directors shall exercise
30 all powers necessary and appropriate to carry out its duties,

1 including the following:

2 (1) To employ an executive director and other staff
3 necessary to carry out the duties of the center and engage
4 professional consultants, as it deems necessary, to assist in
5 the performance of the responsibilities of the center.

6 (2) To fix the compensation of all employees and
7 prescribe their duties.

8 (3) To oversee the operation of the center.

9 (4) To prepare an annual budget for the operation of the
10 center.

11 (5) To solicit funds from any source for the operation
12 of the center.

13 Section 6. Executive director.

14 (a) Appointment.--The board of directors shall appoint an
15 executive director for the center.

16 (b) Qualifications.--The executive director shall have the
17 following qualifications:

18 (1) Extensive experience as a trial, appellate or
19 postconviction counsel in capital, criminal or delinquency
20 matters.

21 (2) Experience as a trainer or presenter at or an
22 organizer of attorney training programs.

23 (3) Proven leadership, management and administrative
24 skills to direct the activities of the center, its staff and
25 contractors.

26 (c) Responsibilities.--The responsibilities of the executive
27 director shall include the following:

28 (1) To oversee the daily operation of the center.

29 (2) To make personnel decisions for the center with the
30 approval of the board of directors.

1 (3) To develop an operational budget for the center and
2 aid the board of directors in raising the necessary funds to
3 sustain the operation of the center.

4 (4) To identify and develop resources.

5 (d) Term of office.--The executive director shall serve at
6 the pleasure of the board of directors.

7 Section 7. Duties and responsibilities of center.

8 (a) General rule.--The center shall have the following
9 duties and responsibilities:

10 (1) To develop and provide continuing education,
11 training and skill development programs and resources for
12 public defender staff attorneys, assigned counsel and
13 contract public defenders who represent indigent criminal
14 defendants.

15 (2) To establish and maintain programs for capital case
16 defense skills training, adult criminal defense training,
17 juvenile delinquency defense training and management and
18 leadership training for chief defenders and public defender
19 office leaders.

20 (3) To establish a virtual defender training library
21 consisting of all of the programs generated by the training
22 programs sponsored through the center.

23 (4) To contract with one or more nonprofit organizations
24 to assist the center in providing any of its duties and
25 responsibilities, including any of the education, training
26 and skill development programs.

27 (b) Affiliation.--The center shall be an independent agency
28 of the Commonwealth and may become affiliated with a law school
29 located in this Commonwealth.

30 Section 8. Appropriation.

1 The sum of \$1,000,000 is hereby specifically appropriated to
2 the Pennsylvania Center for Effective Indigent Defense Legal
3 Representation for the fiscal year 2019-2020 for the purpose of
4 funding its general operations under this act. This
5 appropriation shall be in addition to, and may not be used to
6 replace, any money appropriated or otherwise made available by
7 the Commonwealth or a political subdivision for any purpose that
8 includes criminal defense funding.

9 Section 9. Effective date.

10 This act shall take effect July 1, 2019, or immediately,
11 whichever is later.