

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 979 Session of 2013

INTRODUCED BY GREENLEAF, FERLO, SCHWANK, FONTANA, COSTA, BREWSTER, HUGHES, BROWNE, BAKER AND LEACH, JUNE 3, 2013

SENATOR GREENLEAF, JUDICIARY, AS AMENDED, APRIL 8, 2014

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
15 Pennsylvania Center for Effective Indigent Defense Legal
16 Representation.

17 Section 4. Pennsylvania Center for Effective Indigent Defense
18 Legal Representation.

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

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

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

28 Section 5. Board of directors.

29 (a) Composition.--The board of directors shall consist of
30 seven directors and be representative of the criminal defense

1 bar of this Commonwealth. Directors shall be as follows:

2 (1) A county chief public defender, appointed by the
3 Chief Justice of Pennsylvania from a list of three
4 recommendations from the Public Defender Association of
5 Pennsylvania.

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

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

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

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

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

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

1 chairperson and vice chairperson.

2 (c) Quorum.--Four directors shall constitute a quorum for
3 the transaction of any business and any act by a majority of the
4 directors present at any meeting in which there is a quorum
5 shall be deemed to be an act of the board of directors.

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

12 (e) Terms of directors.--

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

16 (i) The county chief public defender appointed by
17 the Chief Justice of Pennsylvania and the attorney member
18 of the Pennsylvania Association of Criminal Defense
19 Lawyers appointed by the Governor shall serve for terms
20 to expire on June 30 of the year following their
21 appointment.

22 (ii) The attorney member of the Juvenile Defenders
23 Association of Pennsylvania appointed by the Chief
24 Justice of Pennsylvania and the first member from the law
25 school academic community appointed by the Governor shall
26 serve for a term to expire on June 30 of the second year
27 following their appointment.

28 (iii) The member of or staff member of the
29 Interbranch Commission for Gender, Racial and Ethnic
30 Fairness appointed by the Chief Justice of Pennsylvania,

1 the second member from the law school academic community
2 appointed by the Governor, and the attorney with capital
3 case indigent defense trial, appellate or postconviction
4 experience appointed by the Governor shall serve for
5 terms to expire on June 30 of the third year following
6 their appointment.

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

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

12 (f) General powers.--The board of directors shall exercise
13 all powers necessary and appropriate to carry out its duties,
14 including the following:

15 (1) To employ an executive director and other staff
16 necessary to carry out the duties of the center and engage
17 professional consultants, as it deems necessary, to assist in
18 the performance of the responsibilities of the center.

19 (2) To fix the compensation of all employees and
20 prescribe their duties.

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

22 (4) To prepare an annual budget for the operation of the
23 center.

24 (5) To solicit funds from any source for the operation
25 of the center.

26 Section 6. Executive director.

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

29 (b) Qualifications.--The executive director shall have the
30 following qualifications:

1 (1) Extensive experience as a trial, appellate or
2 postconviction counsel in capital, criminal or delinquency
3 matters.

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

6 (3) Proven leadership, management and administrative
7 skills to direct the activities of the center, its staff and
8 contractors.

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

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

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

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

17 (4) To identify and develop resources.

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

20 Section 7. Duties and responsibilities of center.

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

23 (1) To develop and provide continuing education,
24 training and skill development programs and resources for
25 public defender staff attorneys, assigned counsel and
26 contract public defenders who represent indigent criminal
27 defendants.

28 (2) To establish and maintain programs for capital case
29 defense skills training, adult criminal defense training,
30 juvenile delinquency defense training and management and

1 leadership training for chief defenders and public defender
2 office leaders.

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

6 (4) To contract with one or more nonprofit organizations
7 to assist the center in providing any of its duties and
8 responsibilities, including any of the education, training
9 and skill development programs.

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

13 Section 8. Appropriation.

14 The sum of \$1,000,000 is hereby specifically appropriated to
15 the Pennsylvania Center for Effective Indigent Defense Legal
16 Representation for the fiscal year ~~2013-2014~~ 2014-2015 for the <--
17 purpose of funding its general operations under this act. THIS <--
18 APPROPRIATION SHALL BE IN ADDITION TO, AND MAY NOT BE USED TO
19 REPLACE, ANY MONEYS APPROPRIATED OR OTHERWISE MADE AVAILABLE BY
20 THE COMMONWEALTH OR A POLITICAL SUBDIVISION FOR ANY PURPOSE THAT
21 INCLUDES CRIMINAL DEFENSE FUNDING.

22 Section 9. Effective date.

23 This act shall take effect on July 1, ~~2013~~ 2014, or <--
24 immediately, whichever is later.