

1 HB67
2 189168-1
3 By Representative Hill
4 RFD: Judiciary
5 First Read: 09-JAN-18
6 PFD: 01/04/2018

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8 SYNOPSIS: Under existing law, a voluntary indigent
9 defense advisory board is created in each judicial
10 circuit to analyze, study, and determine the method
11 of indigent defense systems to be used in the
12 circuit.

13 This bill would provide civil immunity for
14 actions taken by the advisory board, and authorize
15 substitution for the Presiding Judge in the event
16 of a conflict of interest.

17
18 A BILL
19 TO BE ENTITLED
20 AN ACT

21
22 To amend Section 15-12-4, Code of Alabama 1975,
23 relating to voluntary indigent defense advisory boards, to
24 provide civil immunity for actions taken by the advisory
25 board; and to authorize substitution for the Presiding Judge
26 in the event of a conflict of interest.

27 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

1 Section 1. Section 15-12-4, Code of Alabama 1975, is
2 amended to read as follows:

3 "§15-12-4.

4 "(a) Creation. In each judicial circuit, a voluntary
5 indigent defense advisory board shall be established.

6 "(b) Composition; qualifications, appointment, term
7 of office, and removal of members; vacancies. - The voluntary
8 indigent defense advisory board shall be composed of five
9 members who are residents of the judicial circuit in which
10 they are appointed, including the presiding circuit judge as
11 the chair, the president of the local circuit bar association
12 and three other attorneys all selected by the bar commissioner
13 or commissioners for that circuit. The membership of the
14 voluntary indigent defense advisory board in each judicial
15 circuit shall be inclusive and reflect the racial, gender, and
16 economic diversity of the judicial circuit. In a multi-county
17 circuit, the bar commissioner or commissioners shall select
18 the president of a county bar association existing within the
19 circuit to serve on the indigent defense advisory board. Each
20 member shall serve for a term of one year from the date of
21 appointment and members may be reappointed. In the event the
22 Presiding Judge has a conflict of interest which prevents his
23 or her service on the voluntary indigent defense advisory
24 board, the Presiding Judge shall designate another member of
25 the judiciary from within the circuit to serve on the board.
26 Vacancies on the indigent defense advisory board shall be
27 filled by the presiding judge.

1 "(c) Compensation and expenses of members. Members
2 of the voluntary indigent defense advisory board shall serve
3 without compensation; except, that necessary travel expenses
4 in connection with advisory board business shall be paid by
5 the office in the same manner as for state employees
6 generally.

7 "(d) Meetings generally; quorum; chair. The
8 voluntary indigent defense advisory board shall meet at least
9 once quarterly and shall meet whenever so requested by the
10 presiding circuit judge or by two members of the board. Three
11 members shall constitute a quorum for conducting business.

12 "(e) Powers and duties. The voluntary indigent
13 defense advisory board shall perform the following duties and
14 have the following powers:

15 "(1) Analyze, study, and determine the method of
16 indigent defense systems to be used in the circuit. The
17 director may appeal the determination of the indigent defense
18 advisory board to the Indigent Defense Review Panel. The
19 Indigent Defense Review Panel shall make a decision in a
20 timely manner, which decision shall be deemed final.

21 "(2) Provide to the director any information
22 reasonably requested regarding the indigent defense systems
23 used or recommended for the circuit.

24 "(3) At the request of the director, review and
25 provide comment on any statements or bills rendered or
26 submitted for the provision of indigent defense services in
27 the circuit.

1 "(f) Members of the advisory board shall have the
2 same immunities afforded to state agents as provided in
3 Section 36-1-12.

4 Section 2. This act shall become effective on the
5 first day of the third month following its passage and
6 approval by the Governor, or its otherwise becoming law.