

1 HB127
2 173346-1
3 By Representative Hill (J)
4 RFD: Judiciary
5 First Read: 09-FEB-16

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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 require the advisory board
14 to meet at least once a year rather than once a
15 quarter, would provide civil immunity for actions
16 taken by the advisory board, and would authorize
17 the Office of Indigent Defense Services to adopt
18 rules to be followed by the advisory board.

19
20 A BILL
21 TO BE ENTITLED
22 AN ACT
23

24 To amend Section 15-12-4, Code of Alabama 1975,
25 relating to voluntary indigent defense advisory boards, to
26 require the board to meet annually; to provide civil immunity

1 for actions taken by the advisory board; and to authorize the
2 Office of Indigent Defense Service to adopt rules.

3 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

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

6 "§15-12-4.

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

9 "(b) Composition; qualifications, appointment, term
10 of office, and removal of members; vacancies. - The voluntary
11 indigent defense advisory board shall be composed of five
12 members who are residents of the judicial circuit in which
13 they are appointed, including the presiding circuit judge as
14 the chair, the president of the local circuit bar association
15 and three other attorneys all selected by the bar commissioner
16 or commissioners for that circuit. The membership of the
17 voluntary indigent defense advisory board in each judicial
18 circuit shall be inclusive and reflect the racial, gender, and
19 economic diversity of the judicial circuit. In a multi-county
20 circuit, the bar commissioner or commissioners shall select
21 the president of a county bar association existing within the
22 circuit to serve on the indigent defense advisory board. Each
23 member shall serve for a term of one year from the date of
24 appointment and members may be reappointed. Vacancies on the
25 indigent defense advisory board shall be filled by the
26 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~~ annually and shall meet whenever so requested
10 by the presiding circuit judge or by two members of the board.
11 Three members shall constitute a quorum for conducting
12 business.

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

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

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

25 "(3) At the request of the director, review and
26 provide comment on any statements or bills rendered or

1 submitted for the provision of indigent defense services in
2 the circuit.

3 "(f) A member of the advisory board is not liable
4 for civil damages as a result of his or her acts or omissions
5 as an advisory board member, unless the act or omission
6 causing the damages was the result of his or her willful or
7 wanton misconduct.

8 "(g) The Office of Indigent Defense Services shall
9 adopt rules governing the activities of the voluntary indigent
10 defense advisory boards."

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