

Idaho lawmakers try to trim public defender workload

By RYAN STRUYK, Associated Press

BOISE, Idaho (AP) — Lawmakers have been trying to lighten the workload of public defenders in Idaho, passing several bills this session converting misdemeanor charges to lesser violations that don't require a defense attorney.

But the new bills combine to account for less than 2 percent of state-level misdemeanors — leaving almost all of the laws that prompted 110,000 charges last year on the books, according to data from the Idaho Supreme Court.

At that level, the changes won't put much of a dent in the number of cases expected to require a public defender.

The marginal shift in charges has prompted criticism from Idaho's chapter of the American Civil Liberties Union, which says the bills are mostly a symbolic gesture in the face of a broad problem.

"These bills will have no real or meaningful impact," said Kathy Griesmyer from the ACLU of Idaho. "Our public defender system will remain as broken and under-resourced as it has been for too long."

Republican Rep. Lynn Luker of Boise, who has helped spearhead the effort in the statehouse this session, says broader bills are coming next year, but he still counts this session's progress as a success.

"I think we've accomplished what we set out to do," he said. "All of the bills we had have been vetted and passed through the process."

More than half of this year's roughly 2,000 reductions were for charges involving minors in possession of tobacco. But lawmakers tackled several other misdemeanors, like juvenile curfews, littering on highways and fireworks violations.

The state's Public Defense Reform Interim Committee chose which statutes to adjust during meetings last year. Lawmakers are currently considering renewing the panel for another year.

The efforts come five years after a report from the National Legal Aid and Defender Association said that Idaho public defenders were forced to take on too many cases. Some defendants weren't meeting their lawyers until they were in the courtroom. The ACLU warned that Idaho could face lawsuits for violating the Sixth Amendment.

During the legislative session that opens in January 2016, Luker hopes to pass a plan to convert driving with a suspended or revoked license to an infraction. It's currently the most cited state-level misdemeanor charge with almost 12,000 incidents last year.

He also wants to re-classify possession of alcohol by a minor as an infraction, instead of a misdemeanor.

Those two changes alone would eliminate roughly eight times as many state-level charges as lawmakers got rid of this year.

But Luker says it's not that simple.

Fines from misdemeanors and infractions fund different areas of the state budget, so the bigger reclassifications would shuffle around millions of dollars.

Luker says lawmakers need to work out ways to handle potential shortfalls with drug courts and crime victims funds before bringing broader legislation.

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