

## **Lawmakers consider public defense reform proposal**

By KIMBERLEE KRUESI, Associated Press

BOISE, Idaho (AP) — A group of Idaho lawmakers tasked with improving the state's uneven public defense system got their first look Tuesday at draft legislation that would overhaul how the state handles its poorest defendants.

The model legislation, taken from an approach in Michigan, would require a state commission to review cost analyses and annual compliance plans submitted by Idaho's 44 counties, which would be based on public defense standards for caseloads and training.

If the plans were approved, counties would have the opportunity to receive state money to help fill funding gaps.

However, the legislation was quickly torn apart with possible revisions just hours after going before the Public Defense Interim Committee. A handful of members suggested minor edits to definitions and wording. Others called for alternative proposals, while some floated the idea of implementing a statewide system.

"I figure the committee as a whole is interested in the carrot rather than the stick," said state Rep. Christy Perry, a Republican from Nampa, who is co-chairing the legislative panel.

Despite the lack of consensus, the group remained hopeful that they will be able to submit a comprehensive solution to the 2016 Idaho Legislature when lawmakers return to Boise in January.

Idaho's current system — where many counties contract with private attorneys to do public defense work — has been widely criticized by legal experts for having low funding, high caseloads and no requirements.

In June, the American Civil Liberties Union of Idaho filed a lawsuit on behalf of indigent defendants statewide, contending state officials have failed to take action to fix what the organization called an unconstitutional system.

Many outside groups were still mulling the proposal. Some officials cautioned lawmakers to allow the system to remain flexible for smaller counties with limited resources.

Dan Blocksom, a policy analyst with the Idaho Association of Counties, said he was concerned that the model legislation mandates that a county public defense budget's benchmark would be created by averaging the funding amounts of the past three years.

This would reward counties that have been underfunding their system for years and allow them to receive more state funding rather than address the best ways to assess funding needs on a county level, he said.

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