

REGIONAL PUBLIC DEFENSE

Effective October 1, 2024, counties will no longer provide indigent public defense in Idaho. Indigent public defense will instead be provided at the judicial district level by a judicial district public defender appointed by the district magistrate commission. Each judicial district public defender will oversee institutional public defenders (public defenders previously employed by a county) and contract public defenders (previously contracted by contracting counties). Judicial district public defenders will be overseen by a state public defender appointed by the governor.

LOCAL CONTROL

Counties will maintain some oversight of public defense through the public defender selection process. Judicial district public defenders will be appointed by district magistrate commissions which include the chairman of the board of county commissioners of each county within the judicial district. The senior-most chairman of the board of county commissioners having an institutional office will chair the district magistrate commission for purposes of selecting the judicial district public defender. One member of each district magistrate commission will also comprise the committee to nominate names to the governor for appointment as the state public defender.

EXISTING PUBLIC DEFENDERS

To the greatest extent possible, current institutional defenders will have an opportunity to transition from a county public defender office to judicial district public defender offices. Counties that currently contract with public defenders will continue to be served by contract public defenders unless the county requests the judicial district public defender assign institutional public defenders to the county. To the extent possible, contracts will be with defending attorneys residing in the county in which the contract public defender will be working.

TRANSITION TEAM

Once appointed, the state public defender will appoint a transition team comprised of one public defender from each judicial district and two county commissioners. The transition team will assist the state public defender in transitioning from the current county-based public defense system to a state-based, judicial district public defense system.

FUNDING

For fiscal year 2024, counties will receive \$36 million in state general funding and \$12 million in Public Defense Commission (PDC) financial assistance and workload compliance grants for purposes of financing the final year of the current county-based public defense. Counties are responsible for expenses in excess of \$48 million. Beginning in fiscal year 2025, \$36 million in dedicated "Wayfair" funds and \$12 million in PDC funds will be appropriated for the state-based public defense system. Any expenses above the \$48 million will be appropriated by the legislature from state general funds.



State Public Defender

- Appointed by Governor
- Oversee public defense, implement ABA standards, and provide training
- Require P.D. reporting
- Develop uniform contracts
- Collaborate with district P.D.s



Judicial District Public Defender

- Appointed by magistrate commission
- Oversee district public defense operations
- Principal liaison to county and judiciary officials



Public Defense Funding

- \$36 million ongoing from "Wayfair"
- \$12 million in annual appropriation to PDC
- Additional funding subject to legislative appropriation