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TO: Members of the Task Force on State Public Defender Operations
FROM: Dave Bohyer, LSD Research Director
RE: Option to revise the Public Defender Commission's duties to be advisory only to an Executive Director

The Task Force on State Public Defender Operations has asked staff to develop an option for consideration to revise the Public Defender Commission's duties to be advisory only to an Executive Director. This memorandum responds to the request.

I have attached a mock bill draft, LC 6272, that illustrates an option whereby the statutory duties of the Public Defender Commission are transformed into advisory functions only. The advice offered by the Commission would be to a newly established Executive Director position. That position is not fleshed-out in LC 6272. (However, LC6271 provides an example of some statutory revisions to consider in the context of creating an Executive Director position.)

LC 6272 does not amend, create, or repeal all of the MCA sections that would likely need to be addressed if the Task Force moves forward with a recommendation, including a bill draft, to transform the Commission into an advisor-only entity rather than a policymaking and administrative entity.

Respectfully submitted.

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