

SENATE BILL NO. 451—COMMITTEE ON JUDICIARY

MARCH 23, 2015

Referred to Committee on Judiciary

SUMMARY—Revises provisions relating to public defenders. (BDR 14-514)

FISCAL NOTE: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes.

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EXPLANATION – Matter in *bolded italics* is new; matter between brackets ~~omitted material~~ is material to be omitted.

AN ACT relating to public defenders; creating the Indigent Defense Commission; prescribing the duties and powers of the Commission; authorizing the Commission to establish certain standards governing public defenders; requiring the Commission to determine the appropriate structure for providing public defender services in certain smaller counties; revising provisions governing the State Public Defender; revising provisions relating to county offices of public defender; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

1 Existing law requires a district judge, justice of the peace, municipal judge or
2 master to appoint an attorney for an indigent person who is charged with certain
3 crimes. (NRS 171.188) Existing law also provides that if the parent or guardian of a
4 child who is alleged to be delinquent or in need of supervision is indigent, the
5 juvenile court must appoint an attorney for the child. (NRS 62D.030) Under
6 existing law, a county whose population is 100,000 or more (currently Clark and
7 Washoe Counties) must create an office of public defender to provide these defense
8 services to indigent persons, and any county whose population is less than 100,000
9 may, but is not required to, create such an office. (NRS 260.010) The State Public
10 Defender provides indigent defense services in counties that have not created an
11 office of public defender. (NRS 180.060) Finally, a magistrate, master or district
12 court may appoint a person other than a public defender to provide legal
13 representation to an indigent person only if the magistrate, master or district makes
14 a finding that the public defender is disqualified from furnishing the representation.
15 (NRS 7.115)

16 This bill creates the Indigent Defense Commission and prescribes the duties
17 and functions of the Commission. **Section 5** of this bill provides that the
18 Commission consists of 13 voting members and the Chief Justice of the Nevada



19 Supreme Court, who is an ex officio nonvoting member of the Commission. Under
20 **section 5**, the 13 voting members of the Commission are appointed by the
21 Governor from among nominees selected by various entities interested in the
22 provision of indigent defense services. **Section 5** also provides that a member of
23 the Commission serves without compensation but is entitled to receive the per diem
24 and travel expenses for state officers and employees while the member is engaged
25 in the business of the Commission. **Section 17** of this bill establishes the initial
26 terms for members of the Commission so that the terms are staggered. **Section 6** of
27 this bill creates the Indigent Defense Account in the State General Fund to receive
28 any money appropriated to or otherwise collected by the Commission. Money in
29 the account does not revert to the State General Fund at the end of a fiscal year.

30 **Sections 7 and 8** of this bill prescribe the duties and powers of the Indigent
31 Defense Commission. Under **section 7**, the Commission is required to employ
32 certain persons, including, without limitation, the State Public Defender. **Section 8**
33 authorizes the Commission to propose minimum standards concerning the
34 provision of legal representation to indigent persons. The minimum standards may
35 include, without limitation, standards for: (1) ensuring sufficient time and meeting
36 space for meetings between defense counsel and clients; (2) ensuring that the
37 defense counsel's ability, training and experience match the nature and complexity
38 of the case to which he or she is appointed; (3) ensuring that the same defense
39 counsel represents a client through the pendency of a case; (4) the evaluation of
40 defense counsel to ensure that he or she meets the performance standards
41 established by the Nevada Supreme Court; (5) the workload of defense counsel;
42 and (6) the uniform collection of data. Standards proposed by the Commission must
43 be submitted to the Nevada Supreme Court for approval and become effective upon
44 approval by the Court.

45 **Sections 9-13, 15 and 18** of this bill revise the structure for providing indigent
46 defense services in this State and the funding of the Office of the State Public
47 Defender. **Sections 10-13** remove the Office of the State Public Defender from the
48 Department of Health and Human Services and instead provides that the Office of
49 the State Public Defender will be supervised by the Indigent Defense Commission.
50 Under **sections 9 and 15**, the Commission must determine the appropriate delivery
51 system for indigent defense services in a county whose population is less than
52 100,000 (currently all counties other than Clark and Washoe Counties) and, thus,
53 such a county must use the services of the State Public Defender unless the
54 Commission determines that a different delivery system is appropriate for that
55 county. Under **section 9**, in determining the appropriate delivery system for
56 indigent defense services for a county, the Commission must: (1) consult with the
57 chief judge of the judicial district that includes the county and the county manager;
58 (2) ensure that the provision of indigent defense services is independent of undue
59 political and judicial interference; and (3) not authorize the provision of indigent
60 defense services through contracts with private attorneys that provide a financial
61 incentive to fail to meet the standards for legal representation established by the
62 Nevada Supreme Court. Finally, **section 18** provides that if a county whose
63 population is less than 100,000 (currently all counties other than Clark and Washoe
64 Counties) has created the office of public defender before July 1, 2015, the county
65 may continue to provide indigent defense services through that office until the
66 Commission determines the appropriate method for providing indigent defense
67 services in the county.

68 Existing law requires the State Public Defender to collect each fiscal year from
69 the counties that use the services of the State Public Defender an amount which
70 does not exceed the amount authorized by the Legislature for the use of those
71 services. (NRS 180.110) **Section 14** of this bill removes this provision and instead
72 requires each county whose population is less than 100,000 (currently all counties
73 other than Clark and Washoe Counties) to pay to the Indigent Defense Commission



74 each year an amount equal to the amount paid by the county for indigent defense
75 services in Fiscal Year 2013-2014. Any other funding for the Commission and the
76 Office of the State Public Defender must be from legislative appropriations or other
77 sources authorized by law.

78 Under existing law, in a county which has created the office of public defender,
79 the board of county commissioners may fill the office by appointment, and the
80 county public defender serves at the pleasure of the board of county commissioners.
81 (NRS 260.010) **Section 15** requires the board of county commissioners to submit to
82 the Indigent Defense Commission a report concerning the procedures used by the
83 board to appoint or remove the county public defender to ensure that the
84 appointment or removal was not the result of undue political or judicial
85 interference.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN
SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

1 **Section 1.** Chapter 180 of NRS is hereby amended by adding
2 thereto the provisions set forth as sections 2 to 9, inclusive, of this
3 act.

4 **Sec. 2.** *As used in this chapter, unless the context otherwise*
5 *requires, the words and terms defined in sections 2 and 3 of this*
6 *act have the meanings ascribed to them in those sections.*

7 **Sec. 3.** *“Commission” means the Indigent Defense*
8 *Commission created by section 5 of this act.*

9 **Sec. 4.** *“Indigent defense services” means the provision of*
10 *legal representation to an indigent person who is charged with a*
11 *public offense or to an indigent child who is alleged to be*
12 *delinquent or in need of supervision pursuant to title 5 of NRS.*

13 **Sec. 5. 1.** *The Indigent Defense Commission, consisting of*
14 *13 voting members and 1 ex officio nonvoting member, is hereby*
15 *created.*

16 **2.** *The voting members of the Commission must be appointed*
17 *by the Governor, as follows:*

18 (a) *Two members, at least one of whom must be a member in*
19 *good standing of the State Bar of Nevada.*

20 (b) *Two members from among three nominees selected for*
21 *each position by the Chief Justice of the Supreme Court, one of*
22 *whom must have expertise in juvenile justice and one of whom*
23 *must be a retired judge or justice.*

24 (c) *One member from among three nominees selected by the*
25 *Majority Leader of the Senate, who must be a member in good*
26 *standing of the State Bar of Nevada.*

27 (d) *One member from among three nominees selected by the*
28 *Speaker of the Assembly.*

29 (e) *Two members from among three nominees for each*
30 *position selected by the President of the State Bar of Nevada, one*



1 of whom must be a member in good standing of the State Bar of
2 Nevada who resides in a county whose population is less than
3 100,000 and one of whom must be a member in good standing of
4 the State Bar of Nevada who resides in a county whose population
5 is 100,000 or more.

6 (f) One member from among three nominees selected by the
7 Nevada Association of Counties.

8 (g) One member from among three nominees selected jointly
9 by associations of the State Bar of Nevada who represent members
10 of racial or ethnic minorities.

11 (h) Two members from among three nominees selected by the
12 county manager of Clark County.

13 (i) One member from among three nominees selected by the
14 county manager of Washoe County.

15 3. The Chief Justice of the Supreme Court is an ex officio,
16 nonvoting member of the Commission.

17 4. Each person appointed to the Commission pursuant to
18 subsection 2 must have:

19 (a) Significant experience in providing legal representation to
20 indigent persons who are charged with public offenses or to
21 indigent children who are alleged to be delinquent or in need of
22 supervision; or

23 (b) A demonstrated commitment to providing effective legal
24 representation to such persons.

25 5. The Governor shall not appoint to the Commission a
26 person who is:

27 (a) A current judge, justice or judicial officer;

28 (b) A prosecuting attorney or an employee thereof;

29 (c) A law enforcement officer or an employee of a law
30 enforcement agency; or

31 (d) An attorney who may obtain any financial benefit from the
32 policies adopted by the Commission.

33 6. After the initial terms, each appointed member of the
34 Commission serves a term of 4 years, commencing on July 1.
35 Each member of the Commission continues in office until a
36 successor is appointed. Members may be reappointed for
37 additional terms of 4 years in the same manner as the original
38 appointments.

39 7. Any vacancy occurring in the membership of the
40 Commission must be filled in the same manner as the original
41 appointment for the remainder of the unexpired term.

42 8. Each member of the Commission:

43 (a) Serves without compensation; and



1 *(b) While engaged in the business of the Commission, is*
2 *entitled to receive the per diem allowance and travel expenses*
3 *provided for state officers and employees generally.*

4 *9. Each member of the Commission who is an officer or*
5 *employee of the State or a local government must be relieved from*
6 *his or her duties without loss of his or her regular compensation*
7 *so that the member may prepare for and attend meetings of the*
8 *Commission and perform any work necessary to carry out the*
9 *duties of the Commission in the most timely manner practicable. A*
10 *state agency or local government shall not require an officer or*
11 *employee who is a member of the Commission to make up the time*
12 *the member is absent from work to carry out his or her duties as a*
13 *member, and shall not require the member to take annual*
14 *vacation or compensatory time for the absence.*

15 *10. The Governor may remove a member of the Commission*
16 *for incompetence, neglect of duty, moral turpitude, misfeasance,*
17 *malfeasance or nonfeasance in office or for any other good cause.*

18 *11. A majority of the voting members of the Commission*
19 *constitutes a quorum for the transaction of business at a meeting*
20 *of the Commission. A majority of the voting members of the*
21 *Commission is required for official action of the Commission.*

22 **Sec. 6. 1.** *The Indigent Defense Account is hereby created*
23 *in the State General Fund, to be administered by the Commission.*
24 *Any money that is received by the Commission from any source,*
25 *including, without limitation, money received pursuant to a*
26 *specific statute, tax, legislative appropriation, gift and grant.*

27 *2. Any money remaining in the Account at the end of a fiscal*
28 *year remains in the Account and does not revert to the State*
29 *General Fund.*

30 *3. Money in the Account may only be expended to administer*
31 *the provisions of this chapter.*

32 *4. The interest and income on the money in the Account,*
33 *after deducting any applicable charges, must be credited to the*
34 *Account.*

35 **Sec. 7. 1.** *The Commission shall employ and prescribe the*
36 *duties of:*

37 *(a) A State Public Defender;*

38 *(b) A State Deputy Public Defender;*

39 *(c) A State Appellate Defender;*

40 *(d) A Director of State Assigned Counsel;*

41 *(e) A Director of Public Defender Training;*

42 *(f) An Assistant Director of Public Defender Training;*

43 *(g) An Information Technology Officer;*

44 *(h) A Budget Director;*

45 *(i) A Director of Juvenile Justice Standards Compliance;*



- 1 (j) *A Director of Adult Justice Standards Compliance; and*
- 2 (k) *A Director of Policy, Data and Research.*

3 2. *The Commission may, within the limits of available money,*
4 *employ such other persons as the Commission deems necessary to*
5 *perform the duties of the Commission and the Office of the State*
6 *Public Defender, including, without limitation, deputy state public*
7 *defenders and clerical and investigative staff.*

8 3. *Each deputy state public defender must be an attorney*
9 *licensed to practice law in the State of Nevada, and shall not*
10 *engage in the practice of law, except in performing the duties of*
11 *office and as otherwise provided in NRS 7.065.*

12 **Sec. 8. 1.** *The Commission may propose minimum*
13 *standards for the provision of indigent defense services to ensure*
14 *that those services are provided in a manner that complies with the*
15 *standards for the effective assistance of counsel established by the*
16 *United States Supreme Court and the appellate courts of this State*
17 *under the Sixth Amendment to the United States Constitution and*
18 *Section 8 of Article 1 of the Nevada Constitution. The standards*
19 *proposed by the Commission may include, without limitation,*
20 *standards ensuring that:*

21 (a) *Defense counsel is provided sufficient time, and a space*
22 *where the confidentiality of the communications between the*
23 *defense counsel and his or her client is safeguarded, for meetings*
24 *with his or her client.*

25 (b) *The workload of defense counsel is controlled to permit*
26 *effective representation. Any standards proposed pursuant to this*
27 *paragraph must be based on objective criteria derived from the*
28 *tracking of the time spent by attorneys on criminal defense*
29 *matters.*

30 (c) *The ability, training and experience of defense counsel*
31 *matches the nature and complexity of the case to which he or she*
32 *is appointed, except that the Commission may not propose*
33 *standards pursuant to this paragraph concerning the ability,*
34 *training and experience of defense counsel in cases in which the*
35 *death penalty is or may be sought or has been imposed if rules*
36 *adopted by the Supreme Court establish such standards.*

37 (d) *The same defense counsel continuously represents and*
38 *personally appears at every court appearance through the*
39 *pendency of a case, except that a standard proposed pursuant to*
40 *this paragraph must provide an exemption from this requirement*
41 *for ministerial, nonsubstantive tasks and court hearings.*

42 (e) *The collection and reporting of data concerning the*
43 *caseload and workload of defense counsel is uniform.*

44 2. *A standard proposed by the Commission pursuant to this*
45 *section must be submitted to the Supreme Court for approval and*



1 *does not become effective unless the Supreme Court approves the*
2 *standard. Before submitting a proposed standard to the Supreme*
3 *Court, the Commission shall conduct a public meeting on the*
4 *proposed standard. Opposition to a proposed standard that has*
5 *been submitted to the Supreme Court may be submitted to the*
6 *Supreme Court in the manner prescribed by the Court. A standard*
7 *proposed by the Commission pursuant to subsection 1 becomes*
8 *final upon approval by the Supreme Court.*

9 3. *A standard proposed and approved pursuant to this section*
10 *is not a regulation for the purposes of chapter 233B of NRS.*

11 **Sec. 9. 1.** *The Commission shall determine the appropriate*
12 *system for delivering indigent defense services in each county*
13 *whose population is less than 100,000.*

14 2. *In determining the appropriate system for delivering*
15 *indigent defense services in a county pursuant to this section, the*
16 *Commission shall consult with the chief judge of the judicial*
17 *district that includes the county whose population is less than*
18 *100,000 and the county manager.*

19 3. *The determination of the appropriate delivery system for*
20 *indigent defense services in a county whose population is less than*
21 *100,000 must ensure that the provision of indigent defense*
22 *services in the county will be independent of undue political and*
23 *judicial interference, while also ensuring that the judges of this*
24 *State are permitted and encouraged to contribute information and*
25 *advice concerning the provision of indigent defense services in the*
26 *county.*

27 4. *If the Commission determines that the caseload for*
28 *indigent defense services in a county whose population is less than*
29 *100,000 is sufficient to support an office of public defender that*
30 *has five or more attorneys providing indigent defense services, the*
31 *Commission may determine that the county may provide indigent*
32 *defense services through an office of public defender created*
33 *pursuant to chapter 260 of NRS and the active participation of*
34 *members of the State Bar of Nevada.*

35 5. *A delivery system for the provision of indigent defense*
36 *services may not include the provision of indigent defense services*
37 *pursuant to a contract with an attorney, the provisions of which*
38 *create a financial incentive for the attorney to fail to meet the*
39 *requirements for providing legal representation established by the*
40 *Supreme Court.*

41 **Sec. 10.** NRS 180.010 is hereby amended to read as follows:
42 180.010 1. The Office of *the* State Public Defender is hereby
43 created . ~~[within the Department of Health and Human Services.]~~
44 *The head of the Office is the Commission.*



1 2. The ~~{Governor}~~ *Commission* shall appoint the State Public
2 Defender for a term of 4 years, and until a successor is appointed
3 and qualified. *The State Public Defender is the chief*
4 *administrative officer of the Office and is responsible to the*
5 *Commission.*

6 3. The State Public Defender:

7 (a) Must be an attorney licensed to practice law in the State of
8 Nevada.

9 (b) Is in the unclassified service of the State.

10 (c) Except as otherwise provided in NRS 7.065, shall not engage
11 in the private practice of law.

12 4. ~~{No officer or agency of the State, other than the Governor~~
13 ~~and the Director of the Department of Health and Human Services,~~
14 ~~may supervise}~~ *The Commission shall supervise* the State Public
15 Defender. No officer or agency of the State, other than the
16 ~~{Governor,}~~ *Commission*, may assign the State Public Defender
17 duties in addition to those prescribed by this chapter.

18 **Sec. 11.** NRS 180.040 is hereby amended to read as follows:

19 180.040 1. The *Commission and the* Office of the State
20 Public Defender shall be in Carson City, Nevada, and the Buildings
21 and Grounds Section of the State Public Works Division of the
22 Department of Administration shall provide necessary office space
23 ~~{,}~~ *for the Commission and the Office.*

24 2. ~~{The}~~ *With the approval of the Commission, the* State
25 Public Defender may establish branch offices necessary to perform
26 the State Public Defender's duties. The ~~{State Public Defender}~~
27 *Commission* shall designate a deputy state public defender to
28 supervise each such office.

29 **Sec. 12.** NRS 180.050 is hereby amended to read as follows:

30 180.050 1. The State Public Defender, *with the approval of*
31 *the Commission*, may contract with attorneys licensed to practice
32 law in the State of Nevada and with county public defenders to
33 provide services required by this chapter if it is impracticable for the
34 State Public Defender or the State Public Defender's deputies to
35 provide such services for any reason.

36 2. All such contract services ~~{shall}~~ *must* be performed under
37 the supervision and control of the State Public Defender.

38 **Sec. 13.** NRS 180.080 is hereby amended to read as follows:

39 180.080 1. The State Public Defender shall submit:

40 (a) A report on or before December 1 of each year to the
41 ~~{Governor}~~ *Commission* and to each participating county containing
42 a statement of:

43 (1) The number of cases that are pending in each
44 participating county;



1 (2) The number of cases in each participating county that
2 were closed in the previous fiscal year;

3 (3) The total number of criminal defendants represented in
4 each participating county with separate categories specifying the
5 crimes charged and whether the defendant was less than 18 years of
6 age or an adult;

7 (4) The total number of working hours spent by the State
8 Public Defender and the State Public Defender's staff on work for
9 each participating county; and

10 (5) The amount and categories of the expenditures made by
11 the State Public Defender's office.

12 (b) To each participating county, on or before December 1 of
13 each even-numbered year, the total proposed budget of the State
14 Public Defender for that county, including the projected number of
15 cases and the projected cost of services attributed to the county for
16 the next biennium.

17 (c) Such reports to the Legislative Commission as the
18 regulations of the Commission require.

19 2. As used in this section, "participating county" means each
20 county in which the office of public defender has not been created
21 pursuant to NRS 260.010.

22 **Sec. 14.** NRS 180.110 is hereby amended to read as follows:

23 180.110 ~~[1.] Each fiscal year [the State Public Defender may~~
24 ~~collect from the counties amounts which do not exceed those~~
25 ~~authorized by the Legislature for use of the State Public Defender's~~
26 ~~services during that year.~~

27 ~~—2. The State Public Defender shall submit to the county an~~
28 ~~estimate on or before the first day of May and that estimate becomes~~
29 ~~the final bill unless the county is notified of a change within 2 weeks~~
30 ~~after the date on which the county contribution is approved by the~~
31 ~~Legislature. The county shall pay the bill:~~

32 ~~—(a) In full within 30 days after the estimate becomes the final~~
33 ~~bill or the county receives the revised estimate; or~~

34 ~~—(b) In equal quarterly installments on or before the 1st day of~~
35 ~~July, October, January and April, respectively.~~

36 ~~→ The counties shall pay their respective amounts to the State~~
37 ~~Public Defender who shall deposit the amounts with the Treasurer~~
38 ~~of the State of Nevada and shall expend the money in accordance~~
39 ~~with the State Public Defender's approved budget.] a county whose~~
40 ~~population is less than 100,000 shall pay to the Commission the~~
41 ~~amount paid by the county to provide indigent defense services for~~
42 ~~the fiscal year ending on June 30, 2014. Any other money to fund~~
43 ~~the Commission and the Office of the State Public Defender must~~
44 ~~be provided by legislative appropriation from the State General~~
45 ~~Fund or any other source authorized by law.~~



1 **Sec. 15.** NRS 260.010 is hereby amended to read as follows:
2 260.010 1. In counties whose population is 100,000 or more,
3 the boards of county commissioners shall create by ordinance the
4 office of public defender.

5 2. ~~Except as otherwise provided by subsection 4, in~~ *In*
6 counties whose population is less than 100,000, boards of county
7 commissioners may in their respective counties create by ordinance,
8 at the beginning of a fiscal year, the office of public defender ~~;~~

9 ~~3. Except as otherwise provided in subsection 4, if a board of~~
10 ~~county commissioners intends to create the office of county public~~
11 ~~defender, the board shall notify the State Public Defender in writing~~
12 ~~on or before March 1 of any odd-numbered year and the office may~~
13 ~~not be created before July 1 of the same year in which the notice~~
14 ~~was given.~~

15 ~~4. If the county contribution approved by the Legislature~~
16 ~~exceeds the estimate provided to the county on December 1 by more~~
17 ~~than 10 percent for either year of the biennium, the board of county~~
18 ~~commissioners may create the office of county public defender on~~
19 ~~July 1 of the next even-numbered year if the board notifies the State~~
20 ~~Public Defender on or before March 1 of the same year in which the~~
21 ~~office is to be created.~~

22 ~~5.] only if the Indigent Defense Commission created pursuant~~
23 ~~to section 5 of this act has determined pursuant to section 9 of this~~
24 ~~act that the county may create the office of public defender.~~

25 3. The office of public defender when created must be filled by
26 appointment by the board of county commissioners.

27 ~~6.] Not later than 30 days after the appointment of the public~~
28 ~~defender, the board of county commissioners shall submit to the~~
29 ~~Indigent Defense Commission created pursuant to section 5 of this~~
30 ~~act a report of the procedures used by the board to ensure that the~~
31 ~~appointment of the public defender was not the result of undue~~
32 ~~political and judicial interference.~~

33 4. The public defender ~~[serves at the pleasure of]~~ *may be*
34 *removed by* the board of county commissioners ~~[-]~~ *for misconduct*
35 *in office, incompetence, misfeasance, malfeasance or*
36 *nonfeasance. Not later than 30 days after the removal of the*
37 *public defender, the board of county commissioners shall submit*
38 *to the Indigent Defense Commission created pursuant to section 5*
39 *of this act a report of the procedures used by the board to ensure*
40 *that the removal of the public defender was not the result of undue*
41 *political and judicial interference.*

42 **Sec. 16.** NRS 260.040 is hereby amended to read as follows:
43 260.040 1. The compensation of the public defender must be
44 fixed by the board of county commissioners. ~~[The public defender~~
45 ~~of any two or more counties must be compensated and be permitted~~



1 ~~private civil practice of the law as determined by the boards of~~
2 ~~county commissioners of those counties, subject to the provisions of~~
3 ~~subsection 4 of this section and NRS 7.065.]~~

4 2. The public defender may appoint as many deputies or
5 assistant attorneys, clerks, investigators, stenographers and other
6 employees as the public defender considers necessary to enable him
7 or her to carry out his or her responsibilities, with the approval of
8 the board of county commissioners. An assistant attorney must be a
9 qualified attorney licensed to practice in this State and may be
10 placed on a part-time or full-time basis. The appointment of a
11 deputy, assistant attorney or other employee pursuant to this
12 subsection must not be construed to confer upon that deputy,
13 assistant attorney or other employee policymaking authority for the
14 office of the public defender or the county ~~[or counties]~~ by which
15 the deputy, assistant attorney or other employee is employed.

16 3. The compensation of persons appointed under subsection 2
17 must be fixed by the board of county commissioners of the county
18 ~~[or counties]~~ so served.

19 4. The ~~[public defender and his or her deputies and assistant~~
20 ~~attorneys in a county whose population is less than 100,000 may~~
21 ~~engage in the private practice of law. Except as otherwise provided~~
22 ~~in this subsection, in any other county, the]~~ public defender and his
23 or her deputies and assistant attorneys shall not engage in the private
24 practice of law except as otherwise provided in NRS 7.065. An
25 attorney appointed to defend a person for a limited duration with
26 limited jurisdiction may engage in private practice which does not
27 present a conflict with his or her appointment.

28 5. The board of county commissioners shall provide office
29 space, furniture, equipment and supplies for the use of the public
30 defender suitable for the conduct of the business of his or her office.
31 However, the board of county commissioners may provide for an
32 allowance in place of facilities. Each of those items is a charge
33 against the county in which public defender services are rendered.
34 ~~[If the public defender serves more than one county, expenses that~~
35 ~~are properly allocable to the business of more than one of those~~
36 ~~counties must be prorated among the counties concerned.]~~

37 6. In a county whose population is 700,000 or more, deputies
38 are governed by the merit personnel system of the county.

39 **Sec. 17.** As soon as practicable after July 1, 2015, the
40 Governor shall appoint the members of the Indigent Defense
41 Commission created pursuant to section 5 of this act as follows:

42 1. One member appointed pursuant to paragraph (a) of
43 subsection 2 of section 5 of this act, one member appointed pursuant
44 to paragraph (b) of subsection 2 of section 5 of this act, the member
45 appointed pursuant to paragraph (c) of subsection 2 of section 5 of



1 this act, one member appointed pursuant to paragraph (e) of
2 subsection 2 of section 5 of this act and one member appointed
3 pursuant to paragraph (h) of subsection 2 of section 5 of this act
4 must be appointed to terms that expire on June 30, 2019.

5 2. One member appointed pursuant to paragraph (a) of
6 subsection 2 of section 5 of this act, one member appointed pursuant
7 to paragraph (b) of subsection 2 of section 5 of this act, the member
8 appointed pursuant to paragraph (d) of subsection 2 of section 5 of
9 this act and the member appointed pursuant to paragraph (f) of
10 subsection 2 of section 5 of this act must be appointed to terms that
11 expire on June 30, 2018.

12 3. One member appointed pursuant to paragraph (e) of
13 subsection 2 of section 5 of this act, the member appointed pursuant
14 to paragraph (g) of subsection 2 of section 5 of this act, one member
15 appointed pursuant to paragraph (h) of subsection 2 of section 5 of
16 this act and the member appointed pursuant to paragraph (i) of
17 subsection 2 of section 5 of this act must be appointed to terms that
18 expire on June 30, 2017.

19 **Sec. 18.** Notwithstanding the provisions of this act, if, before
20 July 1, 2015, a county whose population is less than 100,000 has
21 created the office of public defender pursuant to NRS 260.010, as
22 that provision existed before July 1, 2015, the county may provide
23 legal representation to indigent persons through the office of public
24 defender created by the county until the Indigent Defense
25 Commission created by section 5 of this act determines the
26 appropriate method for providing such legal representation in the
27 county pursuant to section 9 of this act.

28 **Sec. 19.** NRS 180.030 and 260.020 are hereby repealed.

29 **Sec. 20.** This act becomes effective on July 1, 2015.

TEXT OF REPEALED SECTIONS

180.030 Employment of deputies and other employees; qualifications of deputies.

1. The State Public Defender may employ:

(a) Deputy state public defenders in the unclassified service of the State.

(b) Clerical, investigative and other necessary staff in the classified service of the State.

2. Each deputy state public defender must be an attorney licensed to practice law in the State of Nevada, and shall not engage



in the practice of law, except in performing the duties of office and as otherwise provided in NRS 7.065.

260.020 Joint action to establish office. A county may join with one or more other counties to establish one office of public defender to serve those counties.

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