

IDAPA 61 – STATE PUBLIC DEFENSE COMMISSION

61.01.08 – RULES GOVERNING THE ADMINISTRATION OF IDAHO’S INDIGENT DEFENSE DELIVERY SYSTEM – RULE DEFINITIONS

DOCKET NO. 61-0108-1901

NOTICE OF INTENT TO PROMULGATE RULES – NEGOTIATED RULEMAKING

AUTHORITY: In compliance with Sections 67-5220(1) and 67-5220(2), Idaho Code, notice is hereby given that this agency intends to promulgate rules and desires public comment prior to initiating formal rulemaking procedures. This negotiated rulemaking action is authorized pursuant to Section 19-850(1)(a)(vii) Idaho Code.

MEETING SCHEDULE: Public meetings on the negotiated rulemaking will be held as follows:

PUBLIC MEETINGS	
Thursday, July 11, 2019 4:00 p.m. (MT) Boise	Friday, July 12, 2019 4:00 p.m. (MT) Twin Falls
Idaho Law and Justice Learning Center 514 W. Jefferson Street Boise, ID 83702	Twin Falls Public Library Program Room 201 4th Ave E Twin Falls, ID 83301
Monday, July 15, 2019 4:00 p.m. (MT) Caldwell	Thursday, July 18, 2019 4:00 p.m. (PT) Lewiston
County Administrative Building 1st Floor Public Hearing Room 111 North 11th Avenue Caldwell, ID 83605	Lewiston City Library Board Room 411 D Street Lewiston, ID 83501
Friday, July 19, 2019 4:00 p.m. (PT) Coeur d’Alene	Monday, July 22, 2019 4:00 p.m. (MT) Pocatello
Coeur d’Alene Public Library Gozzer Room 702 E. Front Avenue Coeur d’Alene, ID 83814	Idaho State University Pond Building - Heritage Room 921 South 8th St. Pocatello, ID 83209
Tuesday, July 23, 2019 5:00 p.m. (MT) Idaho Falls	
Idaho Falls Public Library Conference Room 208 457 West Broadway Idaho Falls, ID 83402	

The meeting sites will be accessible to persons with disabilities, if needed. Requests for accommodation must be made not later than five (5) days prior to the meeting to the agency address below.

METHOD OF PARTICIPATION: Persons wishing to participate in the negotiated rulemaking must do the following:

Present oral comments at a scheduled meeting listed above; or submit written comments to the undersigned by email to the email address or by mail to the address listed below.

Upon conclusion of the negotiated rulemaking, any unresolved issues, all key issues considered, and conclusion reached during the negotiated rulemaking will be addressed in a written summary. The summary will be made available to interested persons who contact the agency or, if the agency chooses, the summary may be posted on the agency website.

DESCRIPTIVE SUMMARY AND STATEMENT OF PURPOSE: The following is a statement in nontechnical language of the substance and purpose of the intended negotiated rulemaking and the principal issues involved:

This rule will amend the Standards for Defending Attorneys, Edition 2018, and implement the principle that the delivery of indigent defense services shall be independent of political and judicial influence. This amendment will ensure that the safeguards of the 6th Amendment to the United States Constitution and Article I, Section 13 of the Idaho Constitution are met.

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS, OBTAINING DRAFT COPIES: For assistance on technical questions concerning this negotiated rulemaking or to obtain a preliminary draft copy of the rule text (if available), contact Kathleen J. Elliott at the phone number listed below. Materials pertaining to the negotiated rulemaking, including any available preliminary rule drafts, can be found on the agency web site at the following web address: <https://pdc.idaho.gov>.

Anyone may submit written comments regarding this negotiated rulemaking. All written comments must be directed to the undersigned and must be delivered on or before July 24, 2019.

Dated this 7th day of June, 2019.

Kathleen J. Elliott, Executive Director
Idaho State Public Defense Agency
816 W. Bannock Street, Suite 201
Boise, Idaho 83702
Phone: 208-332-1735
kathleen.elliott@pdc.idaho.gov

IDAPA 61 – STATE PUBLIC DEFENSE COMMISSION

61.01.08 – RULES GOVERNING THE ADMINISTRATION OF IDAHO’S INDIGENT DEFENSE DELIVERY SYSTEM – RULE DEFINITIONS

DOCKET NO. 61-0108-1902

NOTICE OF INTENT TO PROMULGATE RULES – NEGOTIATED RULEMAKING

AUTHORITY: In compliance with Sections 67-5220(1) and 67-5220(2), Idaho Code, notice is hereby given that this agency intends to promulgate rules and desires public comment prior to initiating formal rulemaking procedures. This negotiated rulemaking action is authorized pursuant to Section 19-850(1)(a)(vii) Idaho Code.

MEETING SCHEDULE: Public meetings on the negotiated rulemaking will be held as follows:

PUBLIC MEETINGS	
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Monday, July 15, 2019 4:00 p.m. (MT) Caldwell	Thursday, July 18, 2019 4:00 p.m. (PT) Lewiston
County Administrative Building 1st Floor Public Hearing Room 111 North 11th Avenue Caldwell, ID 83605	Lewiston City Library Board Room 411 D Street Lewiston, ID 83501
Friday, July 19, 2019 4:00 p.m. (PT) Coeur d’Alene	Monday, July 22, 2019 4:00 p.m. (MT) Pocatello
Coeur d’Alene Public Library Gozzer Room 702 E. Front Avenue Coeur d’Alene, ID 83814	Idaho State University Pond Building - Heritage Room 921 South 8th St. Pocatello, ID 83209
Tuesday, July 23, 2019 5:00 p.m. (MT) Idaho Falls	
Idaho Falls Public Library Conference Room 208 457 West Broadway Idaho Falls, ID 83402	

The meeting sites will be accessible to persons with disabilities, if needed. Requests for accommodation must be made not later than five (5) days prior to the meeting to the agency address below.

METHOD OF PARTICIPATION: Persons wishing to participate in the negotiated rulemaking must do the following:

Present oral comments at a scheduled meeting listed above; or submit written comments to the undersigned by email to the email address or by mail to the address listed below.

Upon conclusion of the negotiated rulemaking, any unresolved issues, all key issues considered, and conclusion reached during the negotiated rulemaking will be addressed in a written summary. The summary will be made available to interested persons who contact the agency or, if the agency chooses, the summary may be posted on the agency website.

DESCRIPTIVE SUMMARY AND STATEMENT OF PURPOSE: The following is a statement in nontechnical language of the substance and purpose of the intended negotiated rulemaking and the principal issues involved:

This rule will amend the Standards for Defending Attorneys, Edition 2018, and implement the principle of reasonable equity between defending attorneys and prosecuting attorneys with respect to resources, staff and facilities. This amendment will ensure that the safeguards of the 6th Amendment to the United States Constitution and Article I, Section 13 of the Idaho Constitution are met.

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS, OBTAINING DRAFT COPIES: For assistance on technical questions concerning this negotiated rulemaking or to obtain a preliminary draft copy of the rule text (if available), contact Kathleen J. Elliott at the phone number listed below. Materials pertaining to the negotiated rulemaking, including any available preliminary rule drafts, can be found on the agency web site at the following web address: <https://pdc.idaho.gov>.

Anyone may submit written comments regarding this negotiated rulemaking. All written comments must be directed to the undersigned and must be delivered on or before July 24, 2019.

Dated this 7th day of June, 2019.

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