

Minutes  
Indigent Defense Subcommittee Meeting  
May 6, 2016

Present: Coleman, Jordan, Maher, Melton, Rubin, Smith, Wagoner, Waters, Holcombe, Kemp, McLaurin, Webb

The meeting began with a modification to and approval of the minutes from the last subcommittee meeting.

Referencing IDS's March 2011 report "Reclassification Impact Study," Maher discussed how indigent defense costs could be reduced by reclassifying certain low-level misdemeanor offenses as infractions. Maher also discussed how the General Assembly responded to this issue previously by declining to reclassify low-level offenses and instead making them fine-only offenses that would not require counsel. Discussion ensued about the ramifications of this policy choice on uncounseled defendants who are getting criminal convictions that have significant collateral consequences, even if the conviction itself is subject only to a fine. There was interest among subcommittee members for looking at both reclassification of minor offenses as infractions and addressing the prior legislative changes that made minor offenses fee-only offenses. There was also some interest in addressing the issue of private warrants, although no firm decision was made on that issue, which may ultimately be addressed--at least in part--in the Committee's work on criminal case management. Chair Webb asked Maher to take the lead on drafting the section of the report on reclassifying minor offenses.

Referencing IDS's November 2015 report on capital case costs at the trial level, Maher discussed that a significant amount of IDS money is spent on potentially capital cases that either do not end up proceeding capitally or for which a first-degree murder conviction is not obtained. Among other things, procedures were discussed that are in place in other jurisdictions that allow for earlier identification of capital cases. Also discussed was the possibility that having salaried individuals handle capital cases would be more cost-effective than having PAC handle those cases. Danielle Carman noted that a bill was recently introduced in the General Assembly requiring the prosecution and defense to work together to develop ways to reduce cost of capital cases. There was a consensus on a recommendation that the defense and prosecution should work together to reduce capital costs.

Discussion then turned to a section by section review of Reporter Smith's draft report. Smith was charged with incorporating the points of discussion into the next version of the report, which will be distributed prior to the subcommittee's next meeting, likely in July.