

March 8, 2007

S 660. APPOINTMENT/REMOVAL OF PUBLIC DEFENDERS. Filed 3/8/07. *TO PROVIDE FOR THE APPOINTMENT OF PUBLIC DEFENDERS BY THE COMMISSION ON INDIGENT DEFENSE SERVICES AND TO PROVIDE FOR SUSPENSION OR REMOVAL OF A PUBLIC DEFENDER BY A TWO-THIRDS VOTE OF THE COMMISSION ON INDIGENT DEFENSE SERVICES.*

Amends GS 7A-498.7 (public defender offices) as title indicates. Provides that the Commission on Indigent Defense Services (CIDS) must consult with the senior resident court judge and chief district court judge before making an appointment of a public defender.

Directs that before removing or suspending a public defender CIDS must provide the public defender with timely written notice of the alleged causes for suspension, an opportunity for a hearing, and written notice of CIDS' decision. Provides that a public defender may file a petition for judicial review with the Superior Court of Wake County within 30 days after receiving notice of an unfavorable decision and that the review of CIDS' decision is to be heard on the record, not as a de novo review or trial de novo. Directs CIDS to adopt rules for implementing the new provisions on suspension or removal of a public defender. Effective July 1, 2007.

Intro. by Rand.

GS 7A