

Committee on Judiciary

CS/CS/HB 177 — Offices of Criminal Conflict and Civil Regional Counsel

by Judiciary Committee; Criminal Justice Subcommittee; and Rep. Maney and others (CS/CS/SB 762 by Appropriations Committee on Criminal and Civil Justice; Judiciary Committee; and Senators Martin and Rouson)

The bill provides that if an Office of Criminal Conflict and Civil Regional Counsel is unable to represent an indigent defendant in a death penalty case, the court may appoint a different regional office, in lieu of private counsel, to represent the defendant.

Before the appointment may occur, the original office must notify the court that it has a conflict of interest or that it can no longer represent the defendant. Upon receiving the notice, the court may appoint a different regional office to represent the defendant if the office does not have a conflict of interest and the regional counsel is willing to accept the appointment. If a regional office cannot be appointed to represent the defendant, the court must appoint private counsel.

For clarification, this process does not transfer venue of the case from one circuit to another. Rather, it simply authorizes a different regional office to handle the case.

If a regional office accepts an appointment, and subject to legislative appropriation, all due process costs and services must be paid from funds designated for this purpose and administered by the Justice Administrative Commission. In order to receive payment or reimbursement, the regional counsel, or his or her designee, must certify that the due process costs and services are case related and must submit the appropriate documentation of the expenses.

If approved by the Governor, or allowed to become law without the Governor's signature, these provisions take effect on July 1, 2026.

Vote: Senate 36-1; House 114-0