

AMENDMENTS TO SENATE BILL NO. 1088
AS AMENDED IN ASSEMBLY AUGUST 29, 1997

Amendment 1

Strike out lines 1 and 2 of the title, and insert:

An act to add Chapter 2.1 (commencing with Section 68650) to Title 8 of the Government Code, relating to capital judgments, and making an appropriation therefor.

Amendment 2

On page 1, strike out line 1, and insert:

SECTION 1. Chapter 2.1 (commencing with Section 68650) is added to Title 8 of the Government Code, to read:

CHAPTER 2.1. CALIFORNIA HABEAS RESOURCE CENTER

68650. As used in this chapter, "center" means the California Habeas Resource Center, and "board" means the board of directors of the center.

68651. There is hereby created in the Judicial Branch of state government the California Habeas Resource Center, which shall have all of the following general powers and duties:

(a) To recruit members of the private bar to accept death penalty habeas case appointments.

(b) To establish and periodically update a roster of attorneys qualified as counsel in postconviction proceedings in capital cases.

(c) To establish and periodically update a roster of experienced investigators and experts who are qualified to assist counsel in postconviction proceedings in capital cases.

(d) To employ investigators and experts as staff to provide services to appointed counsel upon request of counsel where those services are reasonably necessary, provided that the provision of those services shall be pursuant to contract between appointed counsel and the center.

(e) To provide legal or other advice or, to the extent not otherwise available, any other assistance to appointed counsel in postconviction proceedings as is necessary.

(f) To develop a brief bank of pleadings and related materials on significant, recurring issues which arise in



postconviction proceedings in capital cases and to make those briefs available to appointed counsel.

(g) To evaluate cases and recommend assignment by the court of appropriate attorneys.

(h) To provide assistance and case progress monitoring as needed.

(i) To review case billings and recommend compensation of private bar members to the court.

68652. (a) The center shall be managed by an executive director who shall be responsible for the day-to-day operations of the center.

(b) The executive director shall be chosen by a three-member board of directors. No attorney who is employed as a judge, prosecutor, or in a law enforcement capacity shall be eligible to serve on the board. The board members shall be appointed in the following manner:

(1) One member shall be appointed by the Governor.

(2) One member shall be appointed by the Chairperson of the Senate Committee on Rules.

(3) One member shall be appointed by the Speaker of the Assembly.

(c) Each member of the board shall be appointed to serve a four-year term, and vacancies shall be filled in the same manner as the original appointment. Members of the board shall receive no compensation, but shall be reimbursed for all reasonable and necessary expenses incidental to their duties. The first members of the board shall be appointed no later than July 1, 1998.

(d) The executive director shall meet the appointment qualifications of the State Public Defender as specified in Section 15400.

68653. The Judicial Council shall adopt, by rule of court, binding or mandatory competency standards for the appointment of counsel in death penalty direct appeals and habeas corpus proceedings.

68654. The Supreme Court may compensate members of the State Bar who are appointed as counsel on automatic appeals arising out of a judgment of death or as counsel for state postconviction proceedings in those cases, at a rate of one hundred twenty-five dollars (\$125) per allowable hour, as defined by the court's Payment Guidelines for Appointed Counsel Representing Indigent Criminal Appellants.

The Supreme Court may raise the guideline limitation on reasonable and necessary investigative and other expenses allowable for counsel to adequately investigate and present collateral claims to up to twenty-five thousand dollars (\$25,000) without an order to show cause.

68655. The Office of the State Public Defender is authorized to hire 11 additional staff attorneys for the purpose of accepting appointment as counsel to the backlog of unrepresented

death penalty cases.

SEC. 2. The sum of _____ dollars (\$_____) is hereby appropriated from the General Fund to the Controller for disbursement for the purpose of this act, as follows:

(a) To the California Habeas Resource Center, two million dollars (\$2,000,000).

(b) To the Administrative Office of the Courts, _____ dollars (\$_____).

(c) To the State Public Defender, one million two hundred fifty thousand dollars (\$1,250,000).

Amendment 3

On page 1, strike out line 2, and strike out page 2

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