

MEMO

TO: Representative Maxine Grad, Chair House Committee on Judiciary

FROM: Brian J. Grearson, Chief Superior Judge

DATE: January 25, 2017

SUBJECT: H.9 Deferred Sentences and H.55 Assigned Counsel under age 25

Dear Madam Chair, I am not scheduled to testify on either of the above referenced bills but request that the Chair allow the following comments to be submitted on behalf of the Judiciary:

H.9 - proposes to extend the authority of the court to impose deferred sentences for certain offenses without agreement of the State' Attorney. We view this as a welcome change in process that will allow the court to exercise its discretion in cases that currently are subject only to the discretion of the prosecutors. Broadening the discretion to impose these sentences will enhance the geographic fairness that has been the subject of much testimony before the committee without limiting the State's Attorneys ability to exercise that same authority.

H.55 – proposes to assign counsel to individuals 25 or under who are charged with criminal offenses without regard to whether they face incarceration or the possibility of incarceration through probation or work crew sentences. Although this would not add more cases to the judicial system, it would change the way the way these cases are processed (scheduling, resolving attorney conflicts, etc.). The largest impact on the judicial system would be to the Defender General as represented by increased case-loads for both public defenders and conflict counsel and the resources needed to support those increases. For those reasons the Judiciary neither supports nor objects to this bill in its present form.

If the committee would benefit from data relating to the number of cases that may be impacted by this bill, the judiciary would request the opportunity to offer testimony in that regard.

Thank you for the opportunity to submit this statement. In the event committee members have any questions about this subject I am available next week for testimony.

Respectfully submitted,

Brian J. Grearson

Chief Superior Judge