



Federal Public Defense Commission Act of 2024
Section by Section

Senator Peter Welch, Representatives Suzanne Bonamici and Kelly Armstrong

Section 1 – Short Title

Section 2 – Provision of Federal Public Defense

Subsection (a): Reforming and Updating 18 U.S.C. § 3006A

This subsection establishes that financially eligible persons shall be afforded counsel and provides for mandatory and discretionary appointment of counsel. It defines the procedures for appointment and termination of counsel. It also provides for the right of appeal for indigent criminal defendants.

This subsection creates a Federal Public Defense Commission to oversee the federal public defender system and the provision for appointment of private counsel. The Commission is overseen by an Executive Board composed of seven voting members appointed by the Chief Justice of the Supreme Court, four public defender and panel attorney representatives, and the non-voting Executive Director of the Commission. The Executive Board is assisted by an Advisory Board composed of Federal Public Defender and private panel attorney representatives from each federal judicial circuit. And Circuit Boards located in each federal judicial circuit and composed of representatives from individual judicial districts implement the Commission's work at a local level. The subsection also details the powers and duties of each board.

The day-to-day operations of the Commission are overseen by an Executive Director and an Executive Director's Office. Employees of federal public defender offices provide representation for financially eligible persons. This subsection provides for salary and other federal benefits for employees of the Commission.

The bill requires the establishment of a federal public defender office, headed by a Federal Public Defender, in each federal judicial district. This subsection lays out the powers and duties of Federal Public Defenders. It also provides for annual and comprehensive reports.

Subsection (b): Memberships on Committees and Conferences

This subsection clarifies the judiciary may place federal public defender representatives on advisory committees of the Judicial Conference or any judicial council for a federal judicial circuit. It also places a public defender representative on the U.S. Sentencing Commission.

Subsection (c): Technical and Conforming Amendments

Subsection (d): Transition and Miscellaneous Provisions

This subsection provides for the continuance of current federal public defender offices and community defender offices, which shall transition to federal public defender offices within 5 years of enactment. It also preserves current benefits for employees of community defender offices that transition to federal public defender offices.

This subsection provides for transition assistance for Commission from the Administrative Office of the U.S. Courts and authorizes appropriations for the Commission. It clarifies the provisions of the Act do not apply in the non-federal District of Columbia court system. It also conforms 18 U.S.C. § 3599 to be consistent with the provisions of the Act.