

## SENATE BILL SUMMARY

Prepared by the Division of Legislative Information for the Senate Bill **AS ORIGINALLY FILED**. For more detail, see Senate Bill Analyses, if available, prepared by the Senate's professional committee staff.

### SB 1690 Capital Collateral Representation by Senator Crist

Requires that regional counsel be appointed by and serve at the pleasure of the Commission on Capital Cases. Removes provisions establishing a pilot program in the northern region of the state. Clarifies the administrative roles and functions of the Justice Administrative Commission, the Commission on Capital Cases, and the Capital Collateral Regional Counsel.

Revises and adds various provisions related to the Commission on Capital Cases, including but not limited to, relocating the commission from the Office of Legislative Services to the Justice Administrative Commission, authorizing the commission to issue subpoenas and hold hearings it considers appropriate for the administration of justice in capital cases, and authorizing the commission to terminate the appointment of a capital collateral regional counsel before the end of the counsel's term.

Revises the criteria required for an attorney to be eligible to be placed on the registry of attorneys qualified to represent defendants in postconviction capital collateral proceedings, provides for terms and conditions for appointment of counsel in such proceedings, and provides for removal and reinstatement to the registry of attorneys. Limits representation by a court-appointed attorney to seven defendants. Prohibits an attorney from entering into an employment contract with the offices of Capital Collateral Regional Counsel if he or she represents seven or more defendants in capital collateral litigation.

Provides a legislative finding that not all capital cases are extraordinary or unusual. Requires a trial court judge who proposes to award attorney's fees in excess of those set forth in law to make written findings of fact that state the extraordinary nature of the expenditures of time, energy, and talents of the attorney in the case which are not ordinarily expended in other capital collateral cases, and how the case is unusual. (See bill for details)