

No. 177. An act relating to providing representation to needy persons concerning immigration matters.

(S.237)

It is hereby enacted by the General Assembly of the State of Vermont:

Sec. 1. LEGISLATIVE INTENT

It is the intent of the General Assembly that the Defender General, the Deputy Defender General, and public defenders shall, pursuant to 13 V.S.A. § 5203(3), continue to meet professional representation obligations to clients through representation that may extend to federal immigration court.

Sec. 2. 13 V.S.A. § 5203 is amended to read:

§ 5203. FEDERAL COURTS

This chapter applies only to representation in or with respect to the courts of this ~~state~~ State. It does not prohibit the ~~defender general~~ Defender General, the ~~deputy defender general~~ Deputy Defender General, or public defenders from representing a needy person in a federal court of the United States, if:

(1) ~~The~~ the matter arises out of or is related to an action pending or recently pending in a court of criminal jurisdiction of the ~~state~~ State; ~~or~~

(2) ~~Representation~~ representation is under a plan of the ~~United States~~ U.S. District Court as required by the Criminal Justice Act of 1964 (18 U.S.C. § 3006A); ~~or~~

(3) representation is in or with respect to a matter arising out of or relating to immigration status.

Sec. 3. 13 V.S.A. § 5241 is amended to read:

§ 5241. INEFFECTIVE ASSISTANCE CLAIM

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(b) In the performance of duties pursuant to a contract with or providing ad hoc legal services to the Office of the Defender General, an attorney shall have the benefit of ~~sovereign~~ immunity to the same extent as an attorney employed by the Defender General.

Sec. 4. EFFECTIVE DATE

This act shall take effect on July 1, 2018.

Date Governor signed bill: May 25, 2018