

The Nevada Right to Counsel Commission Act of 2017

Legislative Findings

- A.** *Section 1 of the Nevada Constitution recognizes the inalienable right of individuals to “defend life and liberty.” Nevada’s commitment to the protection of individual liberty resulted in Nevada being the first state in the Union to require the appointment of counsel to the indigent accused in all criminal cases in which a defendant’s liberty is subject to restriction and the payment of counsel for services rendered.*
- B.** *Section 2 of the Nevada Constitution acknowledges that the “Paramount Allegiance of every citizen is due to the Federal Government in the exercise of all its Constitutional powers as the same have been or may be defined by the Supreme Court of the United States.” Under the Sixth and Fourteenth Amendments to the United States Constitution, the obligation to provide effective representation to the indigent accused at all critical stages of criminal and delinquency proceedings rests with the state. Accordingly, it is the obligation of the legislature to provide for the general framework and the resources necessary to provide for the delivery of public defender services in this state.*
- C.** *In recognition of its mandates under both the United States and Nevada constitutions, the legislature enacts the Nevada Right to Counsel Commission Act of 2017 to provide for all of the following:*

 - (1)** *Ensuring that adequate public funding of the right to counsel is provided and managed in a cost-effective and fiscally responsible manner.*
 - (2)** *Ensuring that the public defender system is free from undue political and judicial interference and free of conflicts of interests.*
 - (3)** *Establishing a flexible delivery system that is responsive to and respectful of jurisdictional variances and local community needs and interests.*
 - (4)** *Providing that the right to counsel is delivered by qualified and competent counsel in a manner that is fair and consistent throughout the state.*
 - (5)** *Providing for statewide oversight with the objective that all indigent criminal defendants who are eligible to have appointed counsel at public expense receive effective assistance of counsel at each critical stage of the proceeding.*

(6) Providing for the ability to collect and verify objective statistical data on public defense services to assist state and local policymakers in making informed decisions on the appropriate funding levels to ensure an adequate service delivery system.

(7) Providing for the development of uniform standards and guidelines for the delivery of public defender services and for an effective management system to monitor and enforce compliance with such standards and guidelines. Any such standards and guidelines are intended to facilitate the efficient and effective operation of indigent defense services through the state of Nevada for criminal and delinquency proceedings. They are not intended as criteria for the judicial evaluation of alleged misconduct of defense counsel to determine the validity of a conviction. Failure to adhere to the standards and guidelines does not, in and of itself, constitute ineffective assistance of counsel. These standards are not intended to create substantive or procedural rights that may accrue either to the accused, or to convicted persons, or to counsel. Nothing contained herein shall be construed to overrule, expand, or extend, whether directly or by analogy, the prevailing case law for determining ineffective assistance of counsel.

Sec. 1. Chapter 180 of NRS is hereby amended by adding 1 thereto the provisions set forth as sections 2 to 9, inclusive, of this 2 act.

Sec. 2. *As used in this chapter, unless the context otherwise requires, the words and terms defined in sections 2 and 3 of this act have the meanings ascribed to them in those sections.*

Sec. 3. *“Commission” means the Nevada Right to Counsel Commission created by section 5 of this act.*

Sec. 4. *“Indigent defense services” means the provision of legal representation to an indigent person who is charged with a public offense or to an indigent child who is alleged to be delinquent or in need of supervision pursuant to title 5 of NRS.*

Sec. 5. (1) *The Nevada Right to Counsel Commission, consisting of 13 voting members and 1 ex officio nonvoting member, is hereby created.*

(2) *The voting members of the Commission must be appointed as follows:*

- (A) The Majority Leader of the Senate appoints one member who must be an attorney in good standing of the State Bar of Nevada;***
- (B) The Speaker of the Assembly appoints one member;***

- (C) The Chief Justice of the Supreme Court appoints one member who must be a former judge or justice or expert in juvenile justice;*
(D) The Governor appoints ten (10) members as follows:

*(i) Two members from among six nominees selected by the President of the State Bar of Nevada, three of whom must be a member in good standing of the State Bar of Nevada who resides in a county whose population is less than 100,000 and three of whom must be a member in good standing of the State Bar of Nevada who resides in a county whose population is 100,000 or more; **The State Bar of Nevada must appoint one member from each county classification.***

(ii) Two member from among three nominees selected by the Nevada Association of Counties who resides in a county whose population is less than 100,000;

(iii) Three members from among six nominees selected by the Board of County Supervisors of Clark County;

(iv) Two members from among four nominees selected by the Board of County Supervisors of Washoe County;

(v) One member from among three nominees selected jointly by associations of the State Bar of Nevada who represent members of racial or ethnic minorities;

(3) The Chief Justice of the Supreme Court is an ex officio, nonvoting member of the Commission.

(4) Each person appointed to the Commission pursuant to subsection 2 must have:

(A) Significant experience in providing legal representation to indigent persons who are charged with public offenses or to indigent children who are alleged to be delinquent or in need of supervision; or

(B) A demonstrated commitment to providing effective legal representation to such persons.

(5) Authorities shall not appoint to the Commission a person who is:

(A) A current judge, justice or judicial officer;

(B) A prosecuting attorney or an employee thereof;

(C) A law enforcement officer or an employee of a law enforcement agency; or,

(D) An attorney who may obtain any financial benefit from the policies adopted by the Commission.

(6) Authorities shall not appoint more than two current county managers or current members of a county Board of Supervisors.

(7) After the initial terms, each appointed member of the Commission serves a term of 4 years, commencing on July 1. Each member of the Commission continues in office until a successor is appointed. Members may be reappointed for additional terms of 4 years in the same manner as the original appointments.

(8) Any vacancy occurring in the membership of the Commission must be filled in the same manner as the original appointment for the remainder of the unexpired term.

(9) Each member of the Commission:

(A) Serves without compensation; and

(B) While engaged in the business of the Commission, is entitled to receive the per diem allowance and travel expenses provided for state officers and employees generally.

(10) Each member of the Commission who is an officer or employee of the State or a local government must be relieved from his or her duties without loss of his or her regular compensation so that the member may prepare for and attend meetings of the Commission and perform any work necessary to carry out the duties of the Commission in the most timely manner practicable. A state agency or local government shall not require an officer or employee who is a member of the Commission to make up the time the member is absent from work to carry out his or her duties as a member, and shall not require the member to take annual vacation or compensatory time for the absence.

(11) The Governor may remove a member of the Commission for incompetence, neglect of duty, moral turpitude, misfeasance, malfeasance or nonfeasance in office or for any other good cause.

(12) A majority of the voting members of the Commission constitutes a quorum for the transaction of business at a meeting of the Commission. A majority of the voting members of the Commission is required for official action of the Commission.

Sec. 6. (1) The Indigent Defense Account is hereby created in the State General Fund, to be administered by the Commission. Any money that is received by the Commission from any source, including, without limitation, money received pursuant to a specific statute, tax, legislative appropriation, gift and grant shall be deposited into the Indigent Defense Account.

(2) Any money remaining in the Account at the end of a fiscal year remains in the Account and does not revert to the State General Fund.

(3) Money in the Account may only be expended to administer the provisions of this chapter.

(4) The interest and income on the money in the Account, after deducting any applicable charges, must be credited to the Account.

Sec. 7. (1) *The Commission may propose minimum standards for the provision of indigent defense services to ensure that those services are provided in a manner that complies with the standards for the effective assistance of counsel established by the United States Supreme Court and the appellate courts of this State under the Sixth Amendment to the United States Constitution and Section 8 of Article 1 of the Nevada Constitution. The standards proposed by the Commission may include, without limitation, standards ensuring that:*

(a) Defense counsel is provided sufficient time, and a space where the confidentiality of the communications between the defense counsel and his or her client is safeguarded, for meetings with his or her client.

(b) The ability, training and experience of defense counsel matches the nature and complexity of the case to which he or she is appointed, except that the Commission may not propose standards pursuant to this paragraph concerning the ability, training and experience of defense counsel in cases in which the death penalty is or may be sought or has been imposed if rules adopted by the Supreme Court establish such standards.

(c) The same defense counsel continuously represents and personally appears at every court appearance through the pendency of a case, except that a standard proposed pursuant to this paragraph must provide an exemption from this requirement for ministerial, nonsubstantive tasks and court hearings.

(d) The collection and reporting of data concerning the caseload and workload of defense counsel is uniform.

(2). A standard proposed by the Commission pursuant to this section must be submitted to the Supreme Court for approval and does not become effective unless the Supreme Court approves the standard. Before submitting a proposed standard to the Supreme Court, the Commission shall conduct a public meeting on the proposed standard. Opposition to a proposed standard that has been submitted to the Supreme Court may be submitted to the Supreme Court in the manner prescribed by the Court. A standard proposed by the Commission pursuant to subsection 1 becomes final upon approval by the Supreme Court.

(3) A standard proposed and approved pursuant to this section is not a regulation for the purposes of chapter 233B of NRS.

(4) The Commission may issues guidelines for the workload of defense counsel to be controlled to permit effective representation. Any guideline proposed pursuant to this paragraph must be based on objective criteria derived from the tracking of the time spent by attorneys on criminal defense matters and that take into account variations in practice due to the jurisdiction(s) in which the attorney practices. These guidelines shall be provided to the State and counties to assist them during their budgetary process.

Sec. 8. *(1) Counties whose population is 100,000 or less shall notify the Commission by XX **(Date to Be Determined)** if the county elects to cede administration of indigent defense to the Office of Indigent Legal Services, under the following terms:*

(A) The Commission shall deem the existing county-based indigent defense delivery system appropriate unless the chief judge of the judicial district and the county Board of Supervisors choose to have the Commission determine another service delivery model or until the Office of Indigent Legal Services evaluates the local system against Commission standards and finds the system not to meet Commissions standards;

(B) The Commission shall provide services through any combination of private service providers paid hourly or under contract on a case-by-case, county or regional basis unless workload considerations allow for no less than five full-time state government attorneys and appropriate support staff.

(C) A county ceding authority to the Commission under the terms of this section on a yearly basis shall pay to the Commission the average annual amount paid by the county to provide indigent defense services for the three fiscal year ending on June 30, 2016, and no more. In calculating the amount paid by each county, any extraordinary costs accrued in any of the prior three fiscal years ending on June 30th, 2016 that were associated with the legal representation of indigent criminal defendants charged with capital crimes, shall not be included.

(D) In counties ceding authority to the Commission under the terms of this section, the Office of Indigent Legal Services is responsible to

compile and report by XX (Date to Be Determined) annually the following information:

- (i) Names, state bar card number, and business address of all indigent defense providers;**
- (ii) Names and title of all non-attorney support staff;**
- (iii) Number of cases assigned to each indigent defense attorney categorized by the following case types: delinquency, misdemeanor, felony, capital, and, child in need of services.**
- (iv) Number of cases disposed by each indigent defense attorney categorized by case type as described in sub-section iii;**
- (v) Number of cases of defendants proceeding pro se by case type categorized by case type as described in sub-section iii;**
- (vi) Number of trials conducted by each indigent defense attorney categorized by case type as described in sub-section iii.**

(2) Counties whose population is 100,000 or less shall notify the Nevada Right to Counsel Commission by XX (Date to Be Determined) if the county elects to retain autonomy for the administration of trial-level indigent defense services. By the close of each subsequent calendar year counties retaining the autonomy for the administration of trial-level indigent defense services under this section must notify the Commission that they will continue to administer services in the forthcoming fiscal year.

- (A) A county retaining autonomy over the administration of trial-level indigent defense services shall cede responsibility for the funding and delivery of indigent appellate services to the Commission.**
- (B) A county retaining autonomy over the administration of indigent defense services shall continue to fund all trial-level services at a level to meet Commission standards.**
- (C) A county that retains the autonomy for trial-level indigent defense services must submit annual reports to the Commission by XX (Date to Be Determined) annually that shall include:**
 - (vii) Names, state bar card number, and business address of all indigent defense providers;**
 - (viii) Names and title of all non-attorney support staff;**
 - (ix) Number of cases assigned to each indigent defense attorney categorized by the following case types:**

delinquency, misdemeanor, felony, capital, and, child in need of services.

- (x) Number of cases disposed by each indigent defense attorney categorized by case type as described in sub-section iii;*
- (xi) Number of cases of defendants proceeding pro se by case type categorized by case type as described in sub-section iii;*
- (xii) Number of trials conducted by each indigent defense attorney categorized by case type as described in sub-section iii.*

(D) The board of county commissioners in a county not ceding authority for trial-level indigent defense services, and operating a county-government public defender office, shall submit to the Indigent Defense Commission created pursuant to section 5 of this act a report of the procedures used by the board to ensure that the appointment of the chief public defender was not the result of undue political and judicial interference not later than 30 days after the appointment of the public defender.

(E) The board of county commissioners in a county not ceding authority for trial-level indigent defense services, and operating a county-government public defender office, may remove the chief public for misconduct in office, incompetence, misfeasance, malfeasance or nonfeasance. Not later than 30 days after the removal of the public defender, the board of county commissioners shall submit to the Indigent Defense Commission created pursuant to section 5 of this act a report of the procedures used by the board to ensure that the removal of the public defender was not the result of undue political and judicial interference.

(F) A county electing to cede authority to the Commission for trial-level indigent defense services for any ensuing fiscal year other than the one ending June 30th, 2017, on a yearly basis shall pay to the Commission the average annual amount paid by the county to provide indigent defense services for the three fiscal years ending on June 30, of the year in which the Commission assumes authority for the administration of services, and no more. In calculating the amount paid by each county, any extraordinary costs accrued in any of the prior three fiscal years ending on June 30, of the year in which the Commission assumes authority for the administration of services that were associated with the legal representation of indigent criminal defendants charged with capital crimes, shall not be included.

- (G) *The Office of Indigent Legal Services shall engage independent expertise to conduct periodic evaluations against Commission standards of trial-level services in counties retaining autonomy of the administration of indigent defense services. Counties shall cooperate fully with the evaluation.*
- (H) *Counties found not to be in compliance with Commission standards shall be notified in writing of non-compliance. Counties shall be given nine months from the date of notification to remedy said violations. The Office of Indigent Legal Services shall provide the county with technical assistance to come into compliance. If after the nine-month period counties are found to be in compliance with Commission standards, services will continue under the terms of this section.*
- (I) *If after the nine-month period a county found still not to be in compliance with Commission standards, the county may petition the Nevada Supreme Court, under rules established by the Court, to appeal the findings of non-compliance. If after the hearing counties are found to be in compliance with Commission standards, services will continue under the terms of this section.*
- (J) *If no hearing is sought, or if after the hearing the county is found still not to be in compliance with Commission Standards, the county shall cede the administration of services to the Commission in the ensuing fiscal year. The county will be charged the additional cost of running services for that year. Thereafter the county on a yearly basis shall pay to the Commission the average annual amount paid by the county to provide indigent defense services for the three fiscal years ending on June 30, of the year in which the Commission assumes authority for the administration of services, and no more. In calculating the amount paid by each county, any extraordinary costs accrued in any of the prior three fiscal years ending on June 30, of the year in which the Commission assumes authority for the administration of services that were associated with the legal representation of indigent criminal defendants charged with capital crimes, shall not be included.*

Sec. 10. NRS 180.010 is hereby amended to read as follows:

- (1) The ~~Office of State Public Defender~~ **Office of Indigent Legal Services** is hereby created . ~~[within the Department of Health and Human Services.]~~ **The head of the Office is the Commission.**

(2) The ~~[Governor]~~ **Commission** shall appoint the ~~State Public Defender~~ **Chief Counsel** for a term of 4 years, and until a successor is appointed and qualified. **The Chief Counsel is the administrative officer of the Office and is responsible to the Commission.**

(3) The State Public Defender **Chief Counsel:**

- (a) Must be an attorney licensed to practice law in the State of Nevada.
- (b) Is in the unclassified service of the State.
- (c) Except as otherwise provided in NRS 7.065, shall not engage in the private practice of law.

(4) ~~[No officer or agency of the State, other than the Governor and the Director of the Department of Health and Human Services, may supervise]~~ **The Commission shall supervise** the State Public Defender **Chief Counsel**. No officer or agency of the State, other than the ~~[Governor,]~~ **Commission**, may assign the State Public Defender **Chief Counsel** duties in addition to those prescribed by this chapter.

(2) The Commission may authorize the Chief Counsel of the Office of Indigent Legal Services to employ the following:

- (A) Deputy Chief Counsel;**
- (B) Director of Appellate Counsel Services**
- (C) Director of Private Counsel Services;**
- (D) Director of Training;**
- (E) Deputy Director of Training;**
- (F) An Information Technology Officer;**
- (G) A Budget Director;**
- (H) A Director of Juvenile Justice Standards Compliance;**
- (I) A Director of Adult Justice Standards Compliance; and**
- (J) A Director of Policy, Data and Research.**

(3) The Commission may, within the limits of available money, employ such other persons as the Commission deems necessary to perform the duties of the Commission and the Office of Indigent Legal Services, including, without limitation, attorney, clerical, social worker and investigative staff.

(4) Each Office of Indigent Legal Services attorney must be an attorney licensed to practice law in the State of Nevada, and shall not engage in the practice of law, except in performing the duties of office and as otherwise provided in NRS 7.065.

Sec. 11. NRS 180.040 is hereby amended to read as follows:

(1) The ~~Commission and the Office of the State Public Defender~~ **Office of Indigent Legal Services** shall be in Carson City, Nevada, and the Buildings

and Grounds Section of the State Public Works Division of the Department of Administration shall provide necessary office space ~~[]~~ **for the Commission and the Office.**

(2) ~~[The]~~ **With the approval of the Commission, the** ~~State Public Defender~~ **Chief Counsel** may establish branch offices necessary to perform the ~~State Public Defender's~~ **Chief Counsel's** duties. The ~~[State Public Defender]~~ **Commission** shall designate a ~~deputy state public defender~~ **lead attorney** to supervise each such office.

Sec. 12. NRS 180.050 is hereby amended to read as follows:

(1) ~~The State Public Defender~~ **Office of Indigent Legal Services, with the approval of the Commission,** may contract with attorneys licensed to practice law in the State of Nevada and with county public defenders to provide services required by this chapter **if deemed appropriate.** ~~it is impracticable for the State Public Defender or the State Public Defender's deputies to provide such services for any reason.~~

(2) All such contract services ~~[shall]~~ **must** be performed under the supervision and control of the ~~State Public Defender~~ **Chief Counsel.**

Sec. 13. NRS 180.080 is hereby amended to read as follows:

(1) ~~The State Public Defender~~ **Chief Counsel** shall submit:

(a) A report on or before December 1 of each year to the ~~[Governor]~~ **Commission** and to each participating county containing a statement of:

(1) The number of cases that are pending in each ~~participating~~ county;

(2) The number of cases in each ~~participating~~ county that were closed in the previous fiscal year;

(3) The total number of criminal defendants represented in each ~~participating~~ county with separate categories specifying the crimes charged and whether the defendant was less than 18 years of age or an adult;

(4) The total number of working hours spent by the ~~State Public Defender and the State Public Defender's~~ **Office of Indigent Legal Services** staff on work for each participating county; and

(5) The amount and categories of the expenditures made by the State Public Defender's office.

(b) ~~To each participating county, on~~ **On** or before December 1 of each even-numbered year, the total proposed budget of the ~~State Public Defender~~ **Office of Indigent Legal Services** or that county including the projected number of cases and the projected cost of services attributed to the county for the next biennium.

(c) Such reports to the Legislative Commission as the regulations of the Commission require.

~~(2) As used in this section, "participating county" means each county in which the office of public defender has not been created pursuant to NRS 260.010.~~

Sec. 14. NRS 180.110 is hereby amended to read as follows:

~~(1) [1.] Each fiscal year [the State Public Defender may collect from the counties amounts which do not exceed those authorized by the Legislature for use of the State Public Defender's services during that year.~~

~~2. The State Public Defender shall submit to the county an estimate on or before the first day of May and that estimate becomes the final bill unless the county is notified of a change within 2 weeks after the date on which the county contribution is approved by the Legislature. The county shall pay the bill:~~

~~(a) In full within 30 days after the estimate becomes the final bill or the county receives the revised estimate; or~~

~~(b) In equal quarterly installments on or before the 1st day of July, October, January and April, respectively.~~

~~3. The counties shall pay their respective amounts to the State Public Defender who shall deposit the amounts with the Treasurer of the State of Nevada and shall expend the money in accordance with the State Public Defender's approved budget.]~~

Sec. 15. NRS 260.010 is hereby amended to read as follows:

(1) In counties whose population is 100,000 or more, the boards of county commissioners shall create by ordinance the office of public defender.

~~(2) [Except as otherwise provided by subsection 4, in] counties whose population is less than 100,000, boards of county commissioners may in their respective counties create by ordinance, at the beginning of a fiscal year, the office of public defender [3. Except as otherwise provided in subsection 4, if a board of county commissioners intends to create the office of county public defender, the board shall notify the State Public Defender in writing on or before March 1 of any odd-numbered year and the office may not be created before July 1 of the same year in which the notice was given.~~

~~4. If the county contribution approved by the Legislature exceeds the estimate provided to the county on December 1 by more than 10 percent for either year of the biennium, the board of county commissioners may create the office of county public defender on July 1 of the next even-numbered year if the board notifies the State Public Defender on or before March 1 of the same year in which the office is to be created. 5.]~~

(2) The office of public defender when created must be filled by appointment by the board of county commissioners. **[6.] Not later than 30 days after the appointment of the public defender, the board of county commissioners shall submit to the Indigent Defense Commission created pursuant to section 5 of this act a report of the procedures used by the board to**

ensure that the appointment of the public defender was not the result of undue political and judicial interference.

- (3) The public defender ~~[serves at the pleasure of]~~ ***may be removed by*** the board of county commissioners ~~[]~~ ***for misconduct in office, incompetence, misfeasance, malfeasance or nonfeasance. Not later than 30 days after the removal of the public defender, the board of county commissioners shall submit to the Indigent Defense Commission created pursuant to section 5 of this act a report of the procedures used by the board to ensure that the removal of the public defender was not the result of undue political and judicial interference.***

Sec. 16. NRS 260.040 is hereby amended to read as follows:

(1) The compensation of the public defender must be fixed by the board of county commissioners. ~~[The public defender of any two or more counties must be compensated and be permitted private civil practice of the law as determined by the boards of county commissioners of those counties, subject to the provisions of subsection 4 of this section and NRS 7.065.]~~

(2) The public defender may appoint as many deputies or assistant attorneys, clerks, investigators, stenographers and other employees as the public defender considers necessary to enable him or her to carry out his or her responsibilities, with the approval of the board of county commissioners. An assistant attorney must be a qualified attorney licensed to practice in this State and may be placed on a part-time or full-time basis. The appointment of a deputy, assistant attorney or other employee pursuant to this subsection must not be construed to confer upon that deputy, assistant attorney or other employee policymaking authority for the office of the public defender or the county ~~[or counties]~~ by which the deputy, assistant attorney or other employee is employed.

(3) The compensation of persons appointed under subsection 2 must be fixed by the board of county commissioners of the county ~~[or counties]~~ so served.

(4) The ~~[public defender and his or her deputies and assistant attorneys in a county whose population is less than 100,000 may engage in the private practice of law. Except as otherwise provided in this subsection, in any other county, the]~~ public defender and his or her deputies and assistant attorneys shall not engage in the private practice of law except as otherwise provided in NRS 7.065. An attorney appointed to defend a person for a limited duration with limited jurisdiction may engage in private practice which does not present a conflict with his or her appointment.

(5) The board of county commissioners shall provide office space, furniture, equipment and supplies for the use of the public defender suitable for the conduct of the business of his or her office. However, the board of county commissioners may provide for an allowance in place of facilities. Each of those items is a charge against the county in which public defender services are

rendered. ~~[If the public defender serves more than one county, expenses that are properly allocable to the business of more than one of those counties must be prorated among the counties concerned.]~~

(6) In a county whose population is 700,000 or more, deputies are governed by the merit personnel system of the county.

Sec. 17. *As soon as practicable after July 1, 2017, the Governor, Majority Leader of the Senate, the Speaker of the Assembly, and the Chief Justice of the Supreme Court shall appoint the members of the Indigent Defense Commission created pursuant to section 5 of this act as follows:*

~~(1) One member appointed pursuant to paragraph (a) of subsection 2 of section 5 of this act, one member appointed pursuant to paragraph (b) of subsection 2 of section 5 of this act, the member appointed pursuant to paragraph (c) of subsection 2 of section 5 of this act, one member appointed pursuant to paragraph (e) of subsection 2 of section 5 of this act and one member appointed pursuant to paragraph (h) of subsection 2 of section 5 of this act must be appointed to terms that expire on June 30, 2021.~~

(1) *Members appointed pursuant to paragraphs a-d(1) of subsection 2 of Section 5 of this act must be appointed to terms that expire of June 30, 2023.*

(2) *Members appointed pursuant to paragraphs d(2)-(3) of subsection 2 of Section 5 of this act must be appointed to terms that expire of June 30, 2022.*

(3) *Members appointed pursuant to paragraphs d(4)-(6) of subsection 2 of Section 5 of this act must be appointed to terms that expire of June 30, 2021.*

Sec. 18. Notwithstanding the provisions of this act, if, before July 1, ~~2017~~ 2015, a county whose population is less than 100,000 has created the office of public defender pursuant to NRS 260.010, as that provision existed before July 1, ~~2017~~ 2015, the county may provide legal representation to indigent persons through the office of public defender created by the county until the Indigent Defense Commission created by section 5 of this act determines the appropriate method for providing such legal representation in the county pursuant to section 9 of this act.

Sec. 19. NRS 180.030 and 260.020 are hereby repealed.

Sec. 20. This act becomes effective on July 1, 2017.