

PUBLIC DEFENDER

Budget Summary						FTE Position Summary				
Fund	2018-19 Adjusted Base	Governor		2019-21 Change Over Base Year Doubled		2018-19	Governor		2020-21 Over 2018-19	
		2019-20	2020-21	Amount	%		2019-20	2020-21	Number	%
GPR	\$87,241,300	\$98,746,600	\$107,064,600	\$31,328,600	18.0%	609.85	609.85	609.85	0.00	0.0%
PR	<u>1,390,200</u>	<u>1,438,200</u>	<u>1,439,400</u>	<u>97,200</u>	3.5	<u>5.00</u>	<u>5.00</u>	<u>5.00</u>	<u>0.00</u>	0.0
TOTAL	\$88,631,500	\$100,184,800	\$108,504,000	\$31,425,800	17.7%	614.85	614.85	614.85	0.00	0.0%

Budget Change Items

1. STANDARD BUDGET ADJUSTMENTS

GPR	\$4,251,700
PR	<u>97,200</u>
Total	\$4,348,900

Governor: Provide adjustments to the base totaling \$2,075,600 GPR and \$48,000 PR in 2019-20 and \$2,176,100 GPR and \$49,200 PR in 2020-21. Adjustments are for: (a) full funding of continuing position salaries and fringe benefits (\$272,400 GPR and \$41,700 PR annually); (b) overtime (\$210,900 GPR and \$2,800 PR annually); (c) full funding of lease and directed moves costs (\$331,700 GPR and \$3,500 PR in 2019-20 and \$432,200 GPR and \$4,700 PR in 2020-21), and (d) reclassifications and semiautomatic pay progression associated with 2017-19 (\$1,260,600 GPR annually).

2. PAY PROGRESSION

GPR	\$1,277,500
-----	-------------

Governor: Provide \$320,600 in 2019-20 and \$956,900 in 2020-21 to support pay progression plan for assistant state public defender (ASPD) attorneys. The ASPD pay progression plan is merit-based and consists of 17 hourly salary steps, with each step equal to one-seventeenth of the difference between the lowest annual salary (\$52,291) and the highest annual salary (\$126,339). The value of one hourly salary step equals \$4,356 annually. Notwithstanding the creation of a 17 hourly salary step pay progression plan, the State Public Defender is authorized to: (a) deny annual salary increases to individual ASPDs; and (b) increase the salary of individual ASPDs by up to 10% per year. Funding under the bill is intended to equal a 2% increase for all ASPDs on January 1, 2020 and 2021.

3. PRIVATE BAR COSTS

GPR	\$362,600
-----	-----------

Governor: Provide \$362,600 in 2019-20 as an estimate of funding to pay private bar attorney costs at \$40 per hour before the proposed rate increase to \$70 on January 1, 2019 (see

Item #4 below). The State Public Defender employs trial and appellate attorneys who represent clients who qualify for SPD representation. However, staff attorneys cannot represent all clients who qualify for SPD representation. Overflow cases and cases in which staff attorneys may have a conflict of interest are assigned to private bar attorneys throughout the state, at a rate of \$40 per hour for time spent related to a case, and \$25 per hour for travel. Base funding for private bar and investigator reimbursements is \$25,354,100. Funding provided is intended to reflect the actual costs to provide reimbursement to private bar attorneys at the current reimbursement rate.

4. PRIVATE BAR ATTORNEY COMPENSATION

GPR	\$25,281,600
-----	--------------

Governor: Provide \$8,668,900 in 2019-20 and \$16,612,700 in 2020-21 and modify current law to increase the rate at which private bar attorneys are compensated from \$40 per hour to \$70 per hour. In addition, grant the SPD authority to modify rules to reflect the changes in the rate. Provide that the private bar rate be adjusted biennially by a percentage equal to the average of the consumer price index over the preceding 12-month period, all items, U.S. city average, as determined by the Bureau of Labor Statistics of the Federal Department of Labor. The increase in hourly compensation would apply to cases assigned on or after January 1, 2020.

[Bill Sections: 2244 thru 2246]

5. INTERPRETER FUNDING

GPR	\$155,200
-----	-----------

Governor: Provide \$77,600 annually to support payments for interpreters. Base funding for interpreters within the larger program operations appropriation is \$9,500. In recent years, base funding has not funded all interpreter costs and, as a result, the SPD has reallocated funding from trial representation and appellate representation to support the costs of interpreters. In 2017-18, the SPD incurred \$87,100 in interpreter costs.