

MISSOURI HOUSE of REPRESENTATIVES

FISCAL YEAR 2018

PUBLIC DEFENDER

HOUSE BILL 12

MARKUP SHEETS with HCS Recommendations

Prepared by House Appropriations Staff

99TH General Assembly (2017)
First Regular Session

OFFICE OF THE STATE PUBLIC DEFENDER
Office of the Director and Legal Services
Section 12.400

Budget Book Page 13

The Office of the MO State Public Defender (MSPD) provides legal representation to indigent defendants accused of state crimes in Missouri's Trial, Appellate and Supreme courts. The MSPD is governed by a seven-member Public Defender Commission appointed by the Governor.

Funding for the Office of the MO State Public Defender is located in one house bill section and divided into several different line items. The line item covered here is the administrative funding for the MSPD.

Flexibility: 100% PS/E&E
Legal Basis: Chapter 600, RSMo; Article I, Section 18(a) of the Missouri Constitution
Funding Source: General Revenue (0101)

CORE ADJUSTMENTS:

OFFICE OF THE DIRECTOR	BOBC	FTE	GR	FED	OTHER	TOTAL
GOVERNOR CHANGES						
Reduction 0912 PUBLIC DEFENDER SVS E&E-0101	EE		(1,000,000)			(1,000,000)
GOVERNOR CHANGES			(1,000,000)			(1,000,000)
DRAFT HCS CHANGES						
Reduction 0912 PUBLIC DEFENDER SVS E&E-0101	EE		1,000,000			1,000,000
DRAFT HCS CHANGES			1,000,000			1,000,000
TOTAL CHANGES			0			0

Committee Markup Annual

Public Defender

Regular House Bills

	FY 2016 BUDGET		FY 2016 ACTUAL		FY 2017 BUDGET		FY 2018 DEPT REQ		GOV AS AMENDED REC		HOUSE INTRO RECOMMENDED	
	DOLLAR	FTE	DOLLAR	FTE	DOLLAR	FTE	DOLLAR	FTE	DOLLAR	FTE	DOLLAR	FTE
HOUSE BILL SECTION 12.400												
OFFICE OF THE DIRECTOR - 15111C												
CORE												
PERSONAL SERVICES	28,778,492	585.13	27,865,647	579.27	29,896,943	595.13	29,896,943	595.13	29,896,943	595.13	29,896,943	595.13
GENERAL REVENUE	28,778,492	585.13	27,865,647	579.27	29,896,943	595.13	29,896,943	595.13	29,896,943	595.13	29,896,943	595.13
EXPENSE & EQUIPMENT	3,922,447	0.00	4,835,293	0.00	7,879,567	0.00	7,879,567	0.00	6,879,567	0.00	7,879,567	0.00
GENERAL REVENUE	3,922,447	0.00	4,835,293	0.00	7,879,567	0.00	7,879,567	0.00	6,879,567	0.00	7,879,567	0.00
TOTAL	\$32,700,939	585.13	\$32,700,940	579.27	\$37,776,510	595.13	\$37,776,510	595.13	\$36,776,510	595.13	\$37,776,510	595.13

Federal Overtime Change - 0000016

PERSONAL SERVICES	0	0.00	0	0.00	0	0.00	70,008	0.00	0	0.00	0	0.00
GENERAL REVENUE	0	0.00	0	0.00	0	0.00	70,008	0.00	0	0.00	0	0.00
TOTAL	\$0	0.00	\$0	0.00	\$0	0.00	\$70,008	0.00	\$0	0.00	\$0	0.00

Increase necessary to comply with new federal overtime rules which are effective December 1, 2016.

Constitutionally Mandated - 1151001

PERSONAL SERVICES	0	0.00	0	0.00	0	0.00	18,863,820	415.00	0	0.00	0	0.00
GENERAL REVENUE	0	0.00	0	0.00	0	0.00	18,863,820	415.00	0	0.00	0	0.00

Committee Markup Annual

Public Defender

Regular House Bills

	FY 2016 BUDGET		FY 2016 ACTUAL		FY 2017 BUDGET		FY 2018 DEPT REQ		GOV AS AMENDED REC		HOUSE INTRO RECOMMENDED	
	DOLLAR	FTE	DOLLAR	FTE	DOLLAR	FTE	DOLLAR	FTE	DOLLAR	FTE	DOLLAR	FTE
HOUSE BILL SECTION 12.400												
OFFICE OF THE DIRECTOR - 15111C												
Constitutionally Mandated - 1151001												
EXPENSE & EQUIPMENT	0	0.00	0	0.00	0	0.00	5,075,763	0.00	0	0.00	0	0.00
GENERAL REVENUE	0	0.00	0	0.00	0	0.00	5,075,763	0.00	0	0.00	0	0.00
TOTAL	\$0	0.00	\$0	0.00	\$0	0.00	\$23,939,583	415.00	\$0	0.00	\$0	0.00

Reflects the Missouri State Public Defender's estimate of staffing levels sufficient to provide constitutionally satisfactory representation of criminal defendants.

Comprehensive Compensation - 1151002

PERSONAL SERVICES	0	0.00	0	0.00	0	0.00	728,805	0.00	0	0.00	0	0.00
GENERAL REVENUE	0	0.00	0	0.00	0	0.00	728,805	0.00	0	0.00	0	0.00
TOTAL	\$0	0.00	\$0	0.00	\$0	0.00	\$728,805	0.00	\$0	0.00	\$0	0.00

This request aims to reduce turnover by increasing the annual salary of Public Defenders and District Defenders, while also creating higher-level positions that attorneys may be promoted into.

Juvenile Advocacy - 1151003

PERSONAL SERVICES	0	0.00	0	0.00	0	0.00	881,766	19.50	0	0.00	0	0.00
GENERAL REVENUE	0	0.00	0	0.00	0	0.00	881,766	19.50	0	0.00	0	0.00

Committee Markup Annual

Public Defender

Regular House Bills

	FY 2016 BUDGET		FY 2016 ACTUAL		FY 2017 BUDGET		FY 2018 DEPT REQ		GOV AS AMENDED REC		HOUSE INTRO RECOMMENDED	
	DOLLAR	FTE	DOLLAR	FTE	DOLLAR	FTE	DOLLAR	FTE	DOLLAR	FTE	DOLLAR	FTE
HOUSE BILL SECTION 12.400												
OFFICE OF THE DIRECTOR - 15111C												
Juvenile Advocacy - 1151003												
EXPENSE & EQUIPMENT	0	0.00	0	0.00	0	0.00	173,985	0.00	0	0.00	0	0.00
GENERAL REVENUE	0	0.00	0	0.00	0	0.00	173,985	0.00	0	0.00	0	0.00
TOTAL	\$0	0.00	\$0	0.00	\$0	0.00	\$1,055,751	19.50	\$0	0.00	\$0	0.00

The Missouri State Public Defender System is requesting additional staff and funding to provide adequate counsel to indigent juvenile defendants, after 5,660 juveniles lacked counsel in 2012.

TOTAL - OFFICE OF THE DIRECTOR	\$32,700,939	585.13	\$32,700,940	579.27	\$37,776,510	595.13	\$63,570,657	1,029.63	\$36,776,510	595.13	\$37,776,510	595.13
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**OFFICE OF THE STATE PUBLIC DEFENDER
Extraordinary Expenses
Section 12.400**

Budget Book Page 69

The Office of the MO State Public Defender (MSPD) provides legal representation to indigent defendants accused of state crimes in Missouri's trial, appellate and supreme courts. The MSPD is governed by a seven-member Public Defender Commission appointed by the Governor.

Funding for the Office of the MO State Public Defender is located in one house bill section and divided into several different line items. The line item covered here is the MSPD's extraordinary expenses appropriation.

This line item covers costs associated with (1) defense of homicide and capital cases, (2) litigation expenses over \$500 such as DNA analysis, mental health evaluations, depositions, interpreters, medical records, transcripts, exhibits, etc. and (3) private counsel for conflict cases (e.g., cases with multiple defendants) and for case backlog reduction.

Legal Basis: Chapter 600, RSMo; Article I, Section 18(a) of the Missouri Constitution

Funding Source: General Revenue (0101)

CORE ADJUSTMENTS:

NONE

Committee Markup Annual

Public Defender

Regular House Bills

	FY 2016 BUDGET		FY 2016 ACTUAL		FY 2017 BUDGET		FY 2018 DEPT REQ		GOV AS AMENDED REC		HOUSE INTRO RECOMMENDED	
	DOLLAR	FTE	DOLLAR	FTE	DOLLAR	FTE	DOLLAR	FTE	DOLLAR	FTE	DOLLAR	FTE
HOUSE BILL SECTION 12.400												
EXTRAORDINARY EXPENSE/CONFLIC - 15151C												
CORE												
EXPENSE & EQUIPMENT	3,721,071	0.00	3,721,070	0.00	3,721,071	0.00	3,721,071	0.00	3,721,071	0.00	3,721,071	0.00
GENERAL REVENUE	3,721,071	0.00	3,721,070	0.00	3,721,071	0.00	3,721,071	0.00	3,721,071	0.00	3,721,071	0.00
TOTAL	\$3,721,071	0.00	\$3,721,070	0.00	\$3,721,071	0.00	\$3,721,071	0.00	\$3,721,071	0.00	\$3,721,071	0.00

Prof. Services Expansion - 1151004

EXPENSE & EQUIPMENT	0	0.00	0	0.00	0	0.00	0	0.00	0	0.00	1,000,000	0.00
GENERAL REVENUE	0	0.00	0	0.00	0	0.00	0	0.00	0	0.00	1,000,000	0.00
TOTAL	\$0	0.00	\$0	0.00	\$0	0.00	\$0	0.00	\$0	0.00	\$1,000,000	0.00

This expansion item will increase the professional services line. This will allow the Public Defender to contract more private attorneys.

TOTAL - EXTRAORDINARY EXPENSE/CONFLI	\$3,721,071	0.00	\$3,721,070	0.00	\$3,721,071	0.00	\$3,721,071	0.00	\$3,721,071	0.00	\$4,721,071	0.00
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OFFICE OF THE STATE PUBLIC DEFENDER
Legal Defense and Defender Funds
Section 12.400

Budget Book Page 63

The Office of the MO State Public Defender (MSPD) provides legal representation to indigent defendants accused of state crimes in Missouri's trial, appellate and supreme courts. The MSPD is governed by a seven-member Public Defender Commission appointed by the Governor.

Funding for the Office of the MO State Public Defender is located in one house bill section and divided into several different line items. The line item covered here is the MSPD's Legal Defense and Defender Fund appropriation.

Legal Defense and Defender Funds are collected from the indigent accused and by statute are used at the discretion of the Director of the State Public Defender System for the operation of the department, including training, Missouri Bar Dues, Westlaw, one-time equipment purchases and office moves.

Legal Basis: Chapter 600, RSMo; Article I, Section 18(a) of the Missouri Constitution

Funding Source: Other - Legal Defense and Defender Fund (0670)

CORE ADJUSTMENTS:

NONE

Committee Markup Annual

Public Defender

Regular House Bills

	FY 2016 BUDGET		FY 2016 ACTUAL		FY 2017 BUDGET		FY 2018 DEPT REQ		GOV AS AMENDED REC		HOUSE INTRO RECOMMENDED	
	DOLLAR	FTE	DOLLAR	FTE	DOLLAR	FTE	DOLLAR	FTE	DOLLAR	FTE	DOLLAR	FTE
HOUSE BILL SECTION 12.400												
LEGAL DEFENSE & DEFENDER FUND - 15141C												
CORE												
PERSONAL SERVICES	132,537	2.00	132,536	1.90	135,187	2.00	135,187	2.00	135,187	2.00	135,187	2.00
OTHER FUNDS	132,537	2.00	132,536	1.90	135,187	2.00	135,187	2.00	135,187	2.00	135,187	2.00
EXPENSE & EQUIPMENT	2,765,756	0.00	1,127,991	0.00	2,800,756	0.00	2,825,756	0.00	2,825,756	0.00	2,825,756	0.00
OTHER FUNDS	2,765,756	0.00	1,127,991	0.00	2,800,756	0.00	2,825,756	0.00	2,825,756	0.00	2,825,756	0.00
PROGRAM-SPECIFIC	85,000	0.00	22,117	0.00	50,000	0.00	25,000	0.00	25,000	0.00	25,000	0.00
OTHER FUNDS	85,000	0.00	22,117	0.00	50,000	0.00	25,000	0.00	25,000	0.00	25,000	0.00
TOTAL	\$2,983,293	2.00	\$1,282,644	1.90	\$2,985,943	2.00	\$2,985,943	2.00	\$2,985,943	2.00	\$2,985,943	2.00
Reallocate PS funds to E&E funds to be able to utilize E&E funds for the purchase of replacement vehicles												
TOTAL - LEGAL DEFENSE & DEFENDER FUN	\$2,983,293	2.00	\$1,282,644	1.90	\$2,985,943	2.00	\$2,985,943	2.00	\$2,985,943	2.00	\$2,985,943	2.00

**OFFICE OF THE STATE PUBLIC DEFENDER
Debt Offset Escrow Fund
Section 12.400**

Budget Book Page 75

The Office of the MO State Public Defender (MSPD) provides legal representation to indigent defendants accused of state crimes in Missouri's trial, appellate and supreme courts. The MSPD is governed by a seven-member Public Defender Commission appointed by the Governor.

Funding for the Office of the MO State Public Defender is located in one house bill section and divided into several different line items. The line item covered here is the MSPD's Debt Offset Escrow Fund appropriation.

This line item allows the MSPD the option of using Missouri state income tax refund interception as a mechanism to receive payment from past clients who have outstanding debts to the State Public Defender System.

Legal Basis: RSMo 143.786

Funding Source: Other: Debt Offset Escrow Fund (0753)

CORE ADJUSTMENTS:

DRAFT HCS CHANGES

Language – Clarification on debt offset escrow fund

Committee Markup Annual

Public Defender

Regular House Bills

	FY 2016 BUDGET		FY 2016 ACTUAL		FY 2017 BUDGET		FY 2018 DEPT REQ		GOV AS AMENDED REC		HOUSE INTRO RECOMMENDED	
	DOLLAR	FTE	DOLLAR	FTE	DOLLAR	FTE	DOLLAR	FTE	DOLLAR	FTE	DOLLAR	FTE
HOUSE BILL SECTION 12.400												
DEBT OFFSET ESCROW FUND - 15161C												
CORE												
PROGRAM-SPECIFIC	1,200,000	0.00	995,229	0.00	1,200,000	0.00	1,200,000	0.00	1,200,000	0.00	0	0.00
OTHER FUNDS	1,200,000	0.00	995,229	0.00	1,200,000	0.00	1,200,000	0.00	1,200,000	0.00	0	0.00
TOTAL	\$1,200,000	0.00	\$995,229	0.00	\$1,200,000	0.00	\$1,200,000	0.00	\$1,200,000	0.00	\$0	0.00
DEBT OFFSET ESCROW - 0000014												
FUND TRANSFERS	0	0.00	0	0.00	0	0.00	0	0.00	0	0.00	1,200,000	0.00
OTHER FUNDS	0	0.00	0	0.00	0	0.00	0	0.00	0	0.00	1,200,000	0.00
TOTAL	\$0	0.00	\$0	0.00	\$0	0.00	\$0	0.00	\$0	0.00	\$1,200,000	0.00
TOTAL - DEBT OFFSET ESCROW FUND	\$1,200,000	0.00	\$995,229	0.00	\$1,200,000	0.00	\$1,200,000	0.00	\$1,200,000	0.00	\$1,200,000	0.00

**OFFICE OF THE STATE PUBLIC DEFENDER
Federal Grants and Contributions
Section 12.400**

Budget Book Page 57

The Office of the MO State Public Defender (MSPD) provides legal representation to indigent defendants accused of state crimes in Missouri's trial, appellate and supreme courts. The MSPD is governed by a seven-member Public Defender Commission appointed by the Governor.

Funding for the Office of the MO State Public Defender is located in one house bill section and divided into several different line items. The line item covered here is the MSPD's federal grants and contributions appropriation.

This would allow the State Public Defender System to have spending authority should Federal Funds become available during the fiscal year.

Legal Basis: Chapter 600, RSMo; Article I, Section 18(a) of the Missouri Constitution

Funding Source: Federal: Office of State Public Defender Federal Fund (0112)

CORE ADJUSTMENTS:

NONE

Committee Markup Annual

Public Defender

Regular House Bills

	FY 2016 BUDGET		FY 2016 ACTUAL		FY 2017 BUDGET		FY 2018 DEPT REQ		GOV AS AMENDED REC		HOUSE INTRO RECOMMENDED	
	DOLLAR	FTE	DOLLAR	FTE	DOLLAR	FTE	DOLLAR	FTE	DOLLAR	FTE	DOLLAR	FTE
HOUSE BILL SECTION 12.400												
GRANTS - 15131C												
CORE												
PROGRAM-SPECIFIC	125,000	0.00	0	0.00	125,000	0.00	125,000	0.00	125,000	0.00	125,000	0.00
FEDERAL FUNDS	125,000	0.00	0	0.00	125,000	0.00	125,000	0.00	125,000	0.00	125,000	0.00
TOTAL	\$125,000	0.00	\$0	0.00	\$125,000	0.00	\$125,000	0.00	\$125,000	0.00	\$125,000	0.00
TOTAL - GRANTS	\$125,000	0.00	\$0	0.00	\$125,000	0.00	\$125,000	0.00	\$125,000	0.00	\$125,000	0.00