

FISCAL YEAR 2012

TRULY AGREED AND FINALLY PASSED
(AFTER VETO)

PUBLIC DEFENDER

HOUSE BILL 12

VETOES: *None*

96th General Assembly
First Regular Session

Prepared by Senate Appropriations Committee Staff

Public Defender Commission - Director's Office/Legal Services - Section 12.400

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The Director's Office is responsible for centralized administration and coordination of resources, planning functions, fiscal processing, personnel functions, data processing support, conflict case transfers, collection of lien and recoupment monies and other support functions.

Legal Base: Chapter 600 RSMo

Funding Source: General Revenue

FY 2011 Withhold: (\$250,000) GR

CORE ADJUSTMENTS:

DEPARTMENT:

Core Reallocation: \$386,154 General Revenue E&E to PS to support 15.00 FTE, funding added in FY2011 with flexibility to be contract or FTE

GOVERNOR:

No Changes

HOUSE:

No Changes

SENATE:

No Changes

CONFERENCE:

No Changes

Language: Department requests 100% flexibility between General Revenue Personal Service and Expense & Equipment, the Governor, House and Senate concurred.

Committee Markup Annual			PUBLIC DEFENDER COMMISSION								Regular House Bills			
FY 2010 ACTUAL			FY 2011 BUDGET		FY 2012 DEPT REQ		GOV AS AMENDED REC		HOUSE RECOMMENDED		SENATE RECOMMENDED		TRULY AGREED FINALLY PASSED	
DOLLAR	FTE		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	26,712,726	561.51	27,343,779	570.13	27,729,933	585.13	27,729,933	585.13	27,729,933	585.13	27,729,933	585.13	27,729,933	585.13
GENERAL REVENUE	26,712,726	561.51	27,343,779	570.13	27,729,933	585.13	27,729,933	585.13	27,729,933	585.13	27,729,933	585.13	27,729,933	585.13
EXPENSE & EQUIPMENT	4,936,313	0.00	4,805,262	0.00	4,419,108	0.00	4,419,108	0.00	4,419,108	0.00	4,419,108	0.00	4,419,108	0.00
GENERAL REVENUE	4,936,313	0.00	4,805,262	0.00	4,419,108	0.00	4,419,108	0.00	4,419,108	0.00	4,419,108	0.00	4,419,108	0.00
TOTAL	\$31,649,039	561.51	\$32,149,041	570.13	\$32,149,041	585.13	\$32,149,041	585.13	\$32,149,041	585.13	\$32,149,041	585.13	\$32,149,041	585.13
Cost to Continue Trial - 1151001														
PERSONAL SERVICES	0	0.00	0	0.00	1,951,776	50.00	0	0.00	0	0.00	0	0.00	0	0.00
GENERAL REVENUE	0	0.00	0	0.00	1,951,776	50.00	0	0.00	0	0.00	0	0.00	0	0.00
EXPENSE & EQUIPMENT	0	0.00	0	0.00	330,100	0.00	0	0.00	0	0.00	0	0.00	0	0.00
GENERAL REVENUE	0	0.00	0	0.00	330,100	0.00	0	0.00	0	0.00	0	0.00	0	0.00
TOTAL	\$0	0.00	\$0	0.00	\$2,281,876	50.00	\$0	0.00	\$0	0.00	\$0	0.00	\$0	0.00
Cost to Continue Appellate/PCR - 1151002														
PERSONAL SERVICES	0	0.00	0	0.00	372,096	9.50	0	0.00	0	0.00	0	0.00	0	0.00
GENERAL REVENUE	0	0.00	0	0.00	372,096	9.50	0	0.00	0	0.00	0	0.00	0	0.00

Committee Markup Annual	PUBLIC DEFENDER COMMISSION										Regular House Bills			
	FY 2010		FY 2011		FY 2012		GOV AS		HOUSE		SENATE		TRULY AGREED	
	ACTUAL		BUDGET		DEPT REQ		AMENDED REC		RECOMMENDED		RECOMMENDED		FINALLY PASSED	
	DOLLAR	FTE	DOLLAR	FTE	DOLLAR	FTE	DOLLAR	FTE	DOLLAR	FTE	DOLLAR	FTE	DOLLAR	FTE

HOUSE BILL SECTION 12.400

OFFICE OF THE DIRECTOR - 15111C

Cost to Continue Appellate/PCR - 1151002														
EXPENSE & EQUIPMENT	0	0.00	0	0.00	80,925	0.00	0	0.00	0	0.00	0	0.00	0	0.00
GENERAL REVENUE	0	0.00	0	0.00	80,925	0.00	0	0.00	0	0.00	0	0.00	0	0.00
TOTAL	\$0	0.00	\$0	0.00	\$453,021	9.50	\$0	0.00	\$0	0.00	\$0	0.00	\$0	0.00

FY12 Trial Caseload Crisis - 1151003														
PERSONAL SERVICES	0	0.00	0	0.00	1,951,776	50.00	0	0.00	0	0.00	0	0.00	0	0.00
GENERAL REVENUE	0	0.00	0	0.00	1,951,776	50.00	0	0.00	0	0.00	0	0.00	0	0.00
EXPENSE & EQUIPMENT	0	0.00	0	0.00	525,640	0.00	0	0.00	0	0.00	0	0.00	0	0.00
GENERAL REVENUE	0	0.00	0	0.00	525,640	0.00	0	0.00	0	0.00	0	0.00	0	0.00
TOTAL	\$0	0.00	\$0	0.00	\$2,477,416	50.00	\$0	0.00	\$0	0.00	\$0	0.00	\$0	0.00

FY12 Appellate/PCR Caseload - 1151004														
PERSONAL SERVICES	0	0.00	0	0.00	372,096	9.50	0	0.00	0	0.00	0	0.00	0	0.00
GENERAL REVENUE	0	0.00	0	0.00	372,096	9.50	0	0.00	0	0.00	0	0.00	0	0.00

Committee Markup Annual

PUBLIC DEFENDER COMMISSION

Regular House Bills

	FY 2010		FY 2011		FY 2012		GOV AS		HOUSE		SENATE		TRULY AGREED	
	ACTUAL		BUDGET		DEPT REQ		AMENDED REC		RECOMMENDED		RECOMMENDED		FINALLY PASSED	
	DOLLAR	FTE	DOLLAR	FTE	DOLLAR	FTE	DOLLAR	FTE	DOLLAR	FTE	DOLLAR	FTE	DOLLAR	FTE
HOUSE BILL SECTION 12.400														
OFFICE OF THE DIRECTOR - 15111C														
FY12 Appellate/PCR Caseload - 1151004														
EXPENSE & EQUIPMENT	0	0.00	0	0.00	125,385	0.00	0	0.00	0	0.00	0	0.00	0	0.00
GENERAL REVENUE	0	0.00	0	0.00	125,385	0.00	0	0.00	0	0.00	0	0.00	0	0.00
TOTAL	\$0	0.00	\$0	0.00	\$497,481	9.50	\$0	0.00	\$0	0.00	\$0	0.00	\$0	0.00

Non-Lawyer Staff - PD Offices - 1151005														
PERSONAL SERVICES	0	0.00	0	0.00	5,428,407	192.25	0	0.00	0	0.00	0	0.00	0	0.00
GENERAL REVENUE	0	0.00	0	0.00	5,428,407	192.25	0	0.00	0	0.00	0	0.00	0	0.00
EXPENSE & EQUIPMENT	0	0.00	0	0.00	1,920,426	0.00	0	0.00	0	0.00	0	0.00	0	0.00
GENERAL REVENUE	0	0.00	0	0.00	1,920,426	0.00	0	0.00	0	0.00	0	0.00	0	0.00
TOTAL	\$0	0.00	\$0	0.00	\$7,348,833	192.25	\$0	0.00	\$0	0.00	\$0	0.00	\$0	0.00

Committee Markup Annual	PUBLIC DEFENDER COMMISSION												Regular House Bills	
	FY 2010		FY 2011		FY 2012		GOV AS		HOUSE		SENATE		TRULY AGREED	
	ACTUAL		BUDGET		DEPT REQ		AMENDED REC		RECOMMENDED		RECOMMENDED		FINALLY PASSED	
	DOLLAR	FTE	DOLLAR	FTE	DOLLAR	FTE	DOLLAR	FTE	DOLLAR	FTE	DOLLAR	FTE	DOLLAR	FTE
HOUSE BILL SECTION 12.400														
OFFICE OF THE DIRECTOR - 15111C														
Office Space Requirements - 1151006														
EXPENSE & EQUIPMENT	0	0.00	0	0.00	2,196,118	0.00	0	0.00	0	0.00	0	0.00	0	0.00
GENERAL REVENUE	0	0.00	0	0.00	2,196,118	0.00	0	0.00	0	0.00	0	0.00	0	0.00
TOTAL	\$0	0.00	\$0	0.00	\$2,196,118	0.00	\$0	0.00	\$0	0.00	\$0	0.00	\$0	0.00

Public Defender Commission – Grants - Section 12.400

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This section provides appropriation authority if grants are received from the federal government.

Legal Base: Chapter 600 RSMo

Funding Source: Federal and Other Funds.

FY 2011 Withhold: None

CORE ADJUSTMENTS:

DEPARTMENT:

No Changes

GOVERNOR:

No Changes

HOUSE:

No Changes

SENATE:

No Changes

CONFERENCE:

No Changes

Public Defender Commission – Legal Defense and Defender Fund - Section 12.400

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This section reflects personal services and expense and equipment requested and recommended from the Legal Defense Fund (funds collected from the indigent).

Legal Base: Chapter 600 RSMo

Funding Source: Legal Defense and Defender Fund.

FY 2011 Withhold: None

CORE ADJUSTMENTS:

DEPARTMENT:

No Changes

GOVERNOR:

No Changes

HOUSE:

No Changes

SENATE:

No Changes

CONFERENCE:

No Changes

Committee Markup Annual			PUBLIC DEFENDER COMMISSION										Regular House Bills	
FY 2010 ACTUAL			FY 2011 BUDGET		FY 2012 DEPT REQ		GOV AS AMENDED REC		HOUSE RECOMMENDED		SENATE RECOMMENDED		TRULY AGREED FINALLY PASSED	
DOLLAR	FTE		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	112,872	2.00	129,507	2.00	129,507	2.00	129,507	2.00	129,507	2.00	129,507	2.00	129,507	2.00
OTHER FUNDS	112,872	2.00	129,507	2.00	129,507	2.00	129,507	2.00	129,507	2.00	129,507	2.00	129,507	2.00
EXPENSE & EQUIPMENT	1,158,993	0.00	2,795,756	0.00	2,795,756	0.00	2,795,756	0.00	2,795,756	0.00	2,795,756	0.00	2,795,756	0.00
OTHER FUNDS	1,158,993	0.00	2,795,756	0.00	2,795,756	0.00	2,795,756	0.00	2,795,756	0.00	2,795,756	0.00	2,795,756	0.00
PROGRAM-SPECIFIC	68,851	0.00	55,000	0.00	55,000	0.00	55,000	0.00	55,000	0.00	55,000	0.00	55,000	0.00
OTHER FUNDS	68,851	0.00	55,000	0.00	55,000	0.00	55,000	0.00	55,000	0.00	55,000	0.00	55,000	0.00
TOTAL	\$1,340,716	2.00	\$2,980,263	2.00	\$2,980,263	2.00	\$2,980,263	2.00	\$2,980,263	2.00	\$2,980,263	2.00	\$2,980,263	2.00
TOTAL - LEGAL DEFENSE & DEFENDER FUN	\$1,340,716	2.00	\$2,980,263	2.00	\$2,980,263	2.00	\$2,980,263	2.00	\$2,980,263	2.00	\$2,980,263	2.00	\$2,980,263	2.00

Public Defender Commission – Extraordinary Expenses and Conflict Cases - Section 12.400

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This section provides monies to meet the costs associated with conflict case reassignments and extraordinary expenses related to providing representation in criminal cases. The appropriation is used to provide for the defense of criminal cases and expenses such as expert witnesses, depositions and other expenses arising from changes of venue.

There are more than 300 homicide cases assigned to the system each year and more than 750 conflict of interest cases which must be reassigned each to the private bar.

Legal Base: Chapter 600 RSMo
Funding Source: General Revenue
FY 2011 Withhold: None

CORE ADJUSTMENTS:

DEPARTMENT:

No Changes

GOVERNOR:

No Changes

HOUSE:

No Funding Changes, House did add language (at the request of OPD) to separate Complex Crimes/Homicides funding (\$1,443,059) from Contract Cases funding (\$1,115,000)

SENATE:

Senate undid the House’s language change, returning to the Governor’s language

CONFERENCE:

Senate Position

Committee Markup Annual	PUBLIC DEFENDER COMMISSION												Regular House Bills	
	FY 2010		FY 2011		FY 2012		GOV AS		HOUSE		SENATE		TRULY AGREED	
	ACTUAL		BUDGET		DEPT REQ		AMENDED REC		RECOMMENDED		RECOMMENDED		FINALLY PASSED	
	DOLLAR	FTE	DOLLAR	FTE	DOLLAR	FTE	DOLLAR	FTE	DOLLAR	FTE	DOLLAR	FTE	DOLLAR	FTE
HOUSE BILL SECTION 12.400														
EXTRAORDINARY EXPENSE/CONFLIC - 15151C														
CORE														
EXPENSE & EQUIPMENT	2,558,057	0.00	2,558,059	0.00	2,558,059	0.00	2,558,059	0.00	2,558,059	0.00	2,558,059	0.00	2,558,059	0.00
GENERAL REVENUE	2,558,057	0.00	2,558,059	0.00	2,558,059	0.00	2,558,059	0.00	2,558,059	0.00	2,558,059	0.00	2,558,059	0.00
TOTAL	\$2,558,057	0.00	\$2,558,059	0.00	\$2,558,059	0.00	\$2,558,059	0.00	\$2,558,059	0.00	\$2,558,059	0.00	\$2,558,059	0.00
TOTAL - EXTRAORDINARY EXPENSE/CONFL	\$2,558,057	0.00	\$2,558,059	0.00	\$2,558,059	0.00	\$2,558,059	0.00	\$2,558,059	0.00	\$2,558,059	0.00	\$2,558,059	0.00

Public Defender Commission – Debt Offset Escrow - Section 12.400

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This section authorizes State Public Defender to intercept Missouri State Income Tax refund checks due to individuals who owe the Missouri State Public Defender System monies for representation.

Legal Base: Chapter 600 RSMo

Funding Source: Escrow Account between the Taxpayer and the Dept of Revenue for Missouri State Public Defender Income Tax Interceptions

FY 2011 Withhold: None

CORE ADJUSTMENTS:

DEPARTMENT:

No Changes

GOVERNOR:

No Changes

HOUSE:

No Changes

SENATE:

No Changes

CONFERENCE:

No Changes

Language: Department requests an "E" on this appropriation, the Governor, House and Senate concurred.

Committee Markup Annual	PUBLIC DEFENDER COMMISSION												Regular House Bills	
	FY 2010		FY 2011		FY 2012		GOV AS		HOUSE		SENATE		TRULY AGREED	
	ACTUAL		BUDGET		DEPT REQ		AMENDED REC		RECOMMENDED		RECOMMENDED		FINALLY PASSED	
	DOLLAR	FTE	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	1,110,660	0.00	350,000	0.00	350,000	0.00	350,000	0.00	350,000	0.00	350,000	0.00	350,000	0.00
OTHER FUNDS	1,110,660	0.00	350,000 E	0.00	350,000 E	0.00	350,000 E	0.00	350,000 E	0.00	350,000 E	0.00	350,000 E	0.00
TOTAL	\$1,110,660	0.00	\$350,000	0.00	\$350,000	0.00	\$350,000	0.00	\$350,000	0.00	\$350,000	0.00	\$350,000	0.00
TOTAL - DEBT OFFSET ESCROW FUND	\$1,110,660	0.00	\$350,000	0.00	\$350,000	0.00	\$350,000	0.00	\$350,000	0.00	\$350,000	0.00	\$350,000	0.00