

FISCAL YEAR 2018

**TRULY AGREED AND FINALLY PASSED
(AFTER VETO)**

PUBLIC DEFENDER

HOUSE BILL 12

Vetoed: None

**99th General Assembly
First Regular Session**

Prepared by Senate Appropriations Committee Staff

Public Defender Commission - Director's Office/Legal Services - Section 12.245

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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 2017 Withhold: \$3,500,000 General Revenue (*as of 3-31-2017*)

CORE ADJUSTMENTS:

DEPARTMENT:

No Changes

GOVERNOR:

Core Reduction: (\$1,000,000) General Revenue, FY17 NDI for increased funding to contract out conflict cases.

HOUSE:

Core Restoration: \$1,000,000 General Revenue

SENATE:

No Changes

CONFERENCE:

No Changes

| Committee Markup Annual | PUBLIC DEFENDER COMMISSION | | | | | | | | | | | | Regular House Bills | |
|---------------------------------|----------------------------|--------|--------------|--------|--------------|--------|--------------|--------|--------------|--------|--------------|--------|---------------------|--------|
| | FY 2016 | | FY 2017 | | FY 2018 | | 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 | DOLLAR |
| HOUSE BILL SECTION 12.400 | | | | | | | | | | | | | | |
| OFFICE OF THE DIRECTOR - 15111C | | | | | | | | | | | | | | |
| CORE | | | | | | | | | | | | | | |
| PERSONAL SERVICES | 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 | 29,896,943 | 595.13 | 29,896,943 | 0.00 |
| GENERAL REVENUE | 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 | 29,896,943 | 595.13 | 29,896,943 | 0.00 |
| EXPENSE & EQUIPMENT | 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 | 7,879,567 | 0.00 | 7,879,567 | 0.00 |
| GENERAL REVENUE | 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 | 7,879,567 | 0.00 | 7,879,567 | 0.00 |
| TOTAL | \$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 | \$37,776,510 | 595.13 | \$37,776,510 | 0.00 |

| | | | | | | | | | | | | | | |
|-----------------------------------|-----|------|-----|------|----------|------|-----|------|-----|------|-----|------|-----|------|
| Federal Overtime Change - 0000016 | | | | | | | | | | | | | | |
| PERSONAL SERVICES | 0 | 0.00 | 0 | 0.00 | 70,008 | 0.00 | 0 | 0.00 | 0 | 0.00 | 0 | 0.00 | 0 | 0.00 |
| GENERAL REVENUE | 0 | 0.00 | 0 | 0.00 | 70,008 | 0.00 | 0 | 0.00 | 0 | 0.00 | 0 | 0.00 | 0 | 0.00 |
| TOTAL | \$0 | 0.00 | \$0 | 0.00 | \$70,008 | 0.00 | \$0 | 0.00 | \$0 | 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 | 18,863,820 | 415.00 | 0 | 0.00 | 0 | 0.00 | 0 | 0.00 | 0 | 0.00 |
| GENERAL REVENUE | 0 | 0.00 | 0 | 0.00 | 18,863,820 | 415.00 | 0 | 0.00 | 0 | 0.00 | 0 | 0.00 | 0 | 0.00 |

| Committee Markup Annual | PUBLIC DEFENDER COMMISSION | | | | | | | | | | | | Regular House Bills | |
|--|----------------------------|------|---------|------|--------------|--------|-------------|------|-------------|------|-------------|------|---------------------|--------|
| | FY 2016 | | FY 2017 | | FY 2018 | | 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 | DOLLAR |
| HOUSE BILL SECTION 12.400 | | | | | | | | | | | | | | |
| OFFICE OF THE DIRECTOR - 15111C | | | | | | | | | | | | | | |
| Constitutionally Mandated - 1151001 | | | | | | | | | | | | | | |
| EXPENSE & EQUIPMENT | 0 | 0.00 | 0 | 0.00 | 5,075,763 | 0.00 | 0 | 0.00 | 0 | 0.00 | 0 | 0.00 | 0 | 0.00 |
| GENERAL REVENUE | 0 | 0.00 | 0 | 0.00 | 5,075,763 | 0.00 | 0 | 0.00 | 0 | 0.00 | 0 | 0.00 | 0 | 0.00 |
| TOTAL | \$0 | 0.00 | \$0 | 0.00 | \$23,939,583 | 415.00 | \$0 | 0.00 | \$0 | 0.00 | \$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. | | | | | | | | | | | | | | |

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|--|-----|------|-----|------|-----------|------|-----|------|-----|------|-----|------|-----|------|
| Comprehensive Compensation - 1151002 | | | | | | | | | | | | | | |
| PERSONAL SERVICES | 0 | 0.00 | 0 | 0.00 | 728,805 | 0.00 | 0 | 0.00 | 0 | 0.00 | 0 | 0.00 | 0 | 0.00 |
| GENERAL REVENUE | 0 | 0.00 | 0 | 0.00 | 728,805 | 0.00 | 0 | 0.00 | 0 | 0.00 | 0 | 0.00 | 0 | 0.00 |
| TOTAL | \$0 | 0.00 | \$0 | 0.00 | \$728,805 | 0.00 | \$0 | 0.00 | \$0 | 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. | | | | | | | | | | | | | | |

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|-----------------------------|---|------|---|------|---------|-------|---|------|---|------|---|------|---|------|
| Juvenile Advocacy - 1151003 | | | | | | | | | | | | | | |
| PERSONAL SERVICES | 0 | 0.00 | 0 | 0.00 | 881,766 | 19.50 | 0 | 0.00 | 0 | 0.00 | 0 | 0.00 | 0 | 0.00 |
| GENERAL REVENUE | 0 | 0.00 | 0 | 0.00 | 881,766 | 19.50 | 0 | 0.00 | 0 | 0.00 | 0 | 0.00 | 0 | 0.00 |

| Committee Markup Annual | PUBLIC DEFENDER COMMISSION | | | | | | | | | | | | Regular House Bills | |
|---|----------------------------|------|---------|------|-------------|-------|-------------|------|-------------|------|-------------|------|---------------------|--------|
| | FY 2016 | | FY 2017 | | FY 2018 | | 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 | DOLLAR |
| HOUSE BILL SECTION 12.400 | | | | | | | | | | | | | | |
| OFFICE OF THE DIRECTOR - 15111C | | | | | | | | | | | | | | |
| Juvenile Advocacy - 1151003 | | | | | | | | | | | | | | |
| EXPENSE & EQUIPMENT | 0 | 0.00 | 0 | 0.00 | 173,985 | 0.00 | 0 | 0.00 | 0 | 0.00 | 0 | 0.00 | 0 | 0.00 |
| GENERAL REVENUE | 0 | 0.00 | 0 | 0.00 | 173,985 | 0.00 | 0 | 0.00 | 0 | 0.00 | 0 | 0.00 | 0 | 0.00 |
| TOTAL | \$0 | 0.00 | \$0 | 0.00 | \$1,055,751 | 19.50 | \$0 | 0.00 | \$0 | 0.00 | \$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 | \$32,700,940 | 579.27 | \$37,776,510 | 595.13 | \$63,570,657 | 1,029.63 | \$36,776,510 | 595.13 | \$37,776,510 | 595.13 | \$37,776,510 | 595.13 | \$37,776,510 | 0.00 |
|--------------------------------|--------------|--------|--------------|--------|--------------|----------|--------------|--------|--------------|--------|--------------|--------|--------------|------|

Public Defender Commission – Extraordinary Expenses and Conflict Cases - Section 12.245

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This section provides funding for three main types of expenses: payments of expenses associated with the defense or violent crimes, litigation expenses exceeding \$500, and expenses of contracting with private counsel in conflict cases.

In FY2016 the Public Defender Commission contracted with private counsel for representation in 2,893 cases.

Legal Base: Chapter 600 RSMo

Funding Source: General Revenue

FY 2017 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 12.245

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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 2017 Withhold: None

CORE ADJUSTMENTS:

DEPARTMENT:

Core Reallocation: (\$25,000) Legal Defense and Defender Fund authority from PSD to E&E

GOVERNOR:

No Changes

HOUSE:

No Changes

SENATE:

No Changes

CONFERENCE:

No Changes

| Committee Markup Annual | PUBLIC DEFENDER COMMISSION | | | | | | | | | | | | Regular House Bills | |
|--|----------------------------|------|-------------|------|-------------|------|-------------|------|-------------|------|-------------|------|---------------------|--------|
| | FY 2016 | | FY 2017 | | FY 2018 | | 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 | DOLLAR |
| HOUSE BILL SECTION 12.400 | | | | | | | | | | | | | | |
| LEGAL DEFENSE & DEFENDER FUND - 15141C | | | | | | | | | | | | | | |
| CORE | | | | | | | | | | | | | | |
| PERSONAL SERVICES | 132,536 | 1.90 | 135,187 | 2.00 | 135,187 | 2.00 | 135,187 | 2.00 | 135,187 | 2.00 | 135,187 | 2.00 | 135,187 | 0.00 |
| OTHER FUNDS | 132,536 | 1.90 | 135,187 | 2.00 | 135,187 | 2.00 | 135,187 | 2.00 | 135,187 | 2.00 | 135,187 | 2.00 | 135,187 | 0.00 |
| EXPENSE & EQUIPMENT | 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 | 2,825,756 | 0.00 | 2,825,756 | 0.00 |
| OTHER FUNDS | 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 | 2,825,756 | 0.00 | 2,825,756 | 0.00 |
| PROGRAM-SPECIFIC | 22,117 | 0.00 | 50,000 | 0.00 | 25,000 | 0.00 | 25,000 | 0.00 | 25,000 | 0.00 | 25,000 | 0.00 | 25,000 | 0.00 |
| OTHER FUNDS | 22,117 | 0.00 | 50,000 | 0.00 | 25,000 | 0.00 | 25,000 | 0.00 | 25,000 | 0.00 | 25,000 | 0.00 | 25,000 | 0.00 |
| TOTAL | \$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 | \$2,985,943 | 2.00 | \$2,985,943 | 0.00 |
| | | | | | | | | | | | | | | |
| | | | | | | | | | | | | | | |
| TOTAL - LEGAL DEFENSE & DEFENDER FUN | \$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 | \$2,985,943 | 2.00 | \$2,985,943 | 0.00 |

Public Defender Commission – Debt Offset Escrow - Section 12.245

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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 2017 Withhold: None

CORE ADJUSTMENTS:

DEPARTMENT:

No Changes

GOVERNOR:

No Changes

HOUSE:

No Changes

SENATE:

No Changes

CONFERENCE:

No Changes

Language: The House and Senate added language to the Debt Offset Escrow subsection changing the section to a transfer appropriation.

Committee Markup Annual

PUBLIC DEFENDER COMMISSION

Regular House Bills

| | FY 2016 ACTUAL | | FY 2017 BUDGET | | FY 2018 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 | DOLLAR |
| HOUSE BILL SECTION 12.400 | | | | | | | | | | | | | | |
| DEBT OFFSET ESCROW FUND - 15161C | | | | | | | | | | | | | | |
| CORE | | | | | | | | | | | | | | |
| PROGRAM-SPECIFIC | 995,229 | 0.00 | 1,200,000 | 0.00 | 1,200,000 | 0.00 | 1,200,000 | 0.00 | 0 | 0.00 | 0 | 0.00 | 0 | 0.00 |
| OTHER FUNDS | 995,229 | 0.00 | 1,200,000 | 0.00 | 1,200,000 | 0.00 | 1,200,000 | 0.00 | 0 | 0.00 | 0 | 0.00 | 0 | 0.00 |
| TOTAL | \$995,229 | 0.00 | \$1,200,000 | 0.00 | \$1,200,000 | 0.00 | \$1,200,000 | 0.00 | \$0 | 0.00 | \$0 | 0.00 | \$0 | 0.00 |

| | | | | | | | | | | | | | | |
|------------------------------|-----|------|-----|------|-----|------|-----|------|-------------|------|-------------|------|-------------|------|
| DEBT OFFSET ESCROW - 0000014 | | | | | | | | | | | | | | |
| FUND TRANSFERS | 0 | 0.00 | 0 | 0.00 | 0 | 0.00 | 0 | 0.00 | 1,200,000 | 0.00 | 1,200,000 | 0.00 | 1,200,000 | 0.00 |
| OTHER FUNDS | 0 | 0.00 | 0 | 0.00 | 0 | 0.00 | 0 | 0.00 | 1,200,000 | 0.00 | 1,200,000 | 0.00 | 1,200,000 | 0.00 |
| TOTAL | \$0 | 0.00 | \$0 | 0.00 | \$0 | 0.00 | \$0 | 0.00 | \$1,200,000 | 0.00 | \$1,200,000 | 0.00 | \$1,200,000 | 0.00 |

[illegible]

Public Defender Commission – Grants - Section 12.245

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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 Funds

FY 2017 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 2016 | | FY 2017 | | FY 2018 | | 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 | DOLLAR |
| HOUSE BILL SECTION 12.400 | | | | | | | | | | | | | | |
| GRANTS - 15131C | | | | | | | | | | | | | | |
| CORE | | | | | | | | | | | | | | |
| PROGRAM-SPECIFIC | 0 | 0.00 | 125,000 | 0.00 | 125,000 | 0.00 | 125,000 | 0.00 | 125,000 | 0.00 | 125,000 | 0.00 | 125,000 | 0.00 |
| FEDERAL FUNDS | 0 | 0.00 | 125,000 | 0.00 | 125,000 | 0.00 | 125,000 | 0.00 | 125,000 | 0.00 | 125,000 | 0.00 | 125,000 | 0.00 |
| TOTAL | \$0 | 0.00 | \$125,000 | 0.00 | \$125,000 | 0.00 | \$125,000 | 0.00 | \$125,000 | 0.00 | \$125,000 | 0.00 | \$125,000 | 0.00 |
| | | | | | | | | | | | | | | |
| | | | | | | | | | | | | | | |
| | | | | | | | | | | | | | | |
| TOTAL - GRANTS | \$0 | 0.00 | \$125,000 | 0.00 | \$125,000 | 0.00 | \$125,000 | 0.00 | \$125,000 | 0.00 | \$125,000 | 0.00 | \$125,000 | 0.00 |

