

IN THE SENATE

SENATE BILL NO. 1326

BY FINANCE COMMITTEE

AN ACT

RELATING TO THE APPROPRIATION TO THE STATE APPELLATE PUBLIC DEFENDER FOR FISCAL YEAR 2019; APPROPRIATING MONEYS TO THE STATE APPELLATE PUBLIC DEFENDER FOR FISCAL YEAR 2019; LIMITING THE NUMBER OF FULL-TIME EQUIVALENT POSITIONS; PROVIDING LEGISLATIVE INTENT FOR THE PAYMENT OF OUTSIDE COUNSEL COSTS; AND PROVIDING LEGISLATIVE INTENT FOR THE PAYMENT OF CAPITAL REPRESENTATION COSTS.

Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. There is hereby appropriated to the State Appellate Public Defender the following amounts to be expended according to the designated programs and expense classes from the listed funds for the period July 1, 2018, through June 30, 2019:

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	TOTAL
I. OFFICE OF THE STATE APPELLATE PUBLIC DEFENDER:				
FROM:				
General				
Fund	\$2,390,700	\$244,000	\$11,000	\$2,645,700
II. CAPITAL AND CONFLICT REPRESENTATION:				
FROM:				
General				
Fund		\$302,400		\$302,400
GRAND TOTAL	\$2,390,700	\$546,400	\$11,000	\$2,948,100

SECTION 2. FTP AUTHORIZATION. In accordance with Section 67-3519, Idaho Code, the State Appellate Public Defender is authorized no more than twenty-four (24.00) full-time equivalent positions at any point during the period July 1, 2018, through June 30, 2019, unless specifically authorized by the Governor. The Joint Finance-Appropriations Committee will be notified promptly of any increased positions so authorized.

SECTION 3. OUTSIDE COUNSEL COSTS. Of the amount appropriated in Section 1 of this act, \$207,500 from the General Fund, or so much thereof as is necessary, shall be used solely to pay outside counsel for noncapital appeals in which a conflict of interest is identified and only to the extent such costs are exclusive of, and can be identified and accounted for separately

1 and distinctly from, capital representation costs and the operating, per-  
2 sonnel and capital outlay costs of the Office of the State Appellate Public  
3 Defender program. Any remaining unexpended and unencumbered amounts not so  
4 used shall revert to the General Fund.

5 SECTION 4. CAPITAL REPRESENTATION COSTS. Of the amount appropriated in  
6 Section 1 of this act, \$94,900 from the General Fund, or so much thereof as  
7 is necessary, shall be used solely for costs directly related to the provi-  
8 sion of representation in capital cases and only to the extent such costs are  
9 exclusive of, and can be identified and accounted for separately and dis-  
10 tinctly from, outside counsel costs of noncapital appeals and the operating,  
11 personnel and capital outlay costs of the Office of the State Appellate Pub-  
12 lic Defender program. Such costs may include, but are not limited to, con-  
13 sultation with experts; travel, lodging, and per diem for expert and lay wit-  
14 nesses; depositions; investigation; employee travel associated with wit-  
15 ness interviews; court reporting and transcription services; expert witness  
16 fees; outside counsel in the event of a conflict of interest; and preparation  
17 of trial exhibits. Any remaining unexpended and unencumbered amounts not so  
18 used shall revert to the General Fund.