

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 271

BY APPROPRIATIONS COMMITTEE

AN ACT

APPROPRIATING MONEYS TO THE OFFICE OF THE STATE APPELLATE PUBLIC DEFENDER FOR FISCAL YEAR 2016; LIMITING THE NUMBER OF FULL-TIME EQUIVALENT POSITIONS; PROVIDING LEGISLATIVE INTENT FOR THE PAYMENT OF OUTSIDE COUNSEL COSTS; PROVIDING LEGISLATIVE INTENT FOR THE PAYMENT OF CAPITAL REPRESENTATION COSTS; AND PROVIDING FOR A CASH TRANSFER.

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

SECTION 1. There is hereby appropriated to the Office of 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, 2015, through June 30, 2016:

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	TOTAL
I. OFFICE OF STATE APPELLATE PUBLIC DEFENDER:			
FROM:			
General			
Fund	\$1,971,100	\$177,800	\$2,148,900
Miscellaneous Revenue			
Fund	<u>0</u>	<u>25,000</u>	<u>25,000</u>
TOTAL	\$1,971,100	\$202,800	\$2,173,900
II. CAPITAL AND CONFLICT REPRESENTATION:			
FROM:			
General			
Fund		\$302,400	\$302,400
GRAND TOTAL	\$1,971,100	\$505,200	\$2,476,300

SECTION 2. FTP AUTHORIZATION. In accordance with Section 67-3519, Idaho Code, the Office of the State Appellate Public Defender is authorized no more than twenty-three (23) full-time equivalent positions at any point during the period July 1, 2015, through June 30, 2016, 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 nec-

1 essary, shall be used solely to pay outside counsel for noncapital appeals in
2 which a conflict of interest is identified in accordance with the Idaho Rules
3 of Professional Conduct and only to the extent such costs are exclusive of,
4 and can be identified and accounted for separately and distinctly from, cap-
5 ital representation costs and the operating, personnel and capital outlay
6 costs of the Office of the State Appellate Public Defender Program. Any re-
7 maining unexpended and unencumbered amounts not so used shall revert to the
8 General Fund.

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

23 SECTION 5. CASH TRANSFER. There is hereby appropriated and the State
24 Controller shall transfer \$25,000 from the Miscellaneous Revenue Fund
25 (0349-00) within the Department of Juvenile Corrections to the Miscella-
26 neous Revenue Fund (0349-00) within the Office of the State Appellate Public
27 Defender on July 1, 2015, or as soon thereafter as is practicable, for the
28 period July 1, 2015, through June 30, 2016.