



# Office of the State Public Defender

## Base Review

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Budget and Policy Analyst

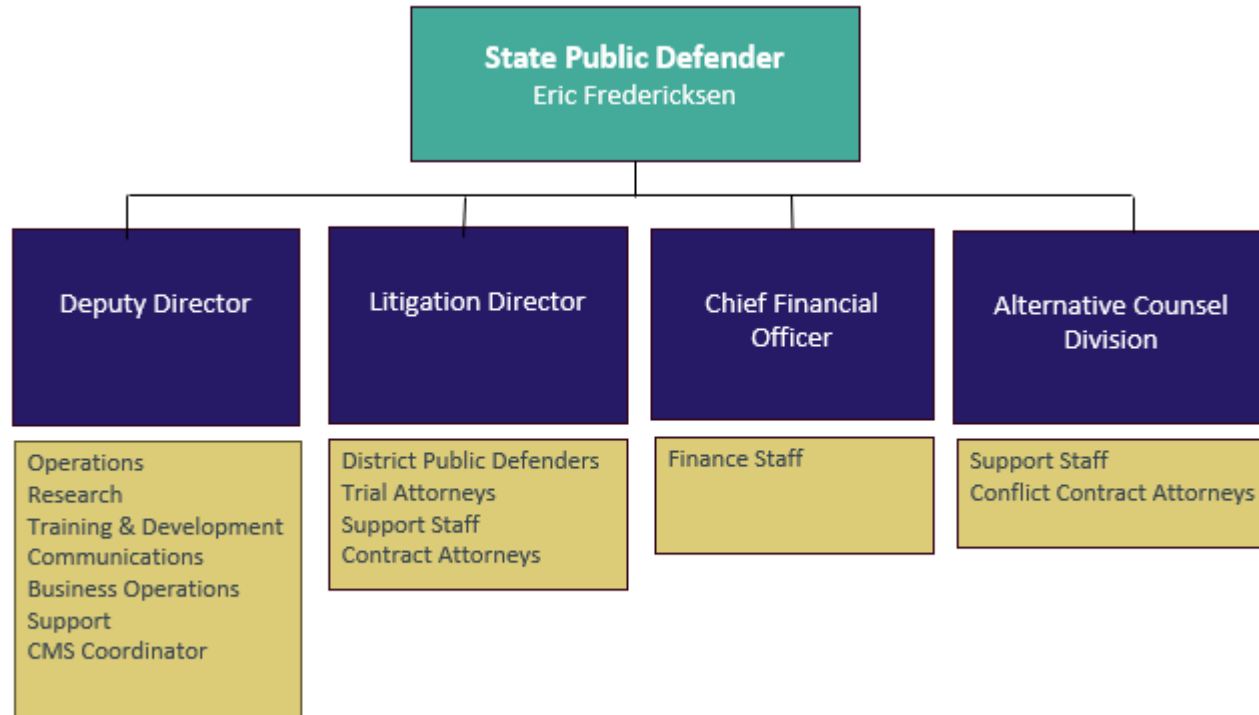
February 18, 2026

# Office of the State Public Defender

The Office of the State Public Defender ensures that qualified defending attorneys, experts, investigators, mitigation specialists, paralegals, and other support staff and assistants are employed or contracted as necessary to provide legal representation to indigent defendants at all stages of criminal and commitment proceedings pursuant to the Sixth Amendment to the United States Constitution; Section 13, Article I, of the Constitution of the State of Idaho; and Chapter 60, Title 19, Idaho Code.



# Organizational Structure



**333.96 FTP**

23.96 Vacant  
as of 02/17/26

## Year-to-Date Personnel Data Points

Authorized FTP: **333.96**

Filled FTP Percentage: 93%

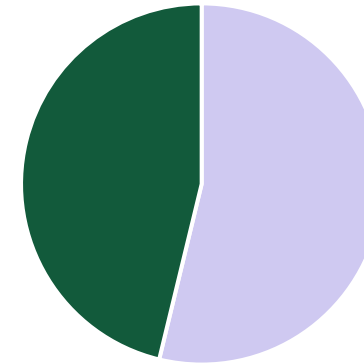
Personnel Cost Appropriated: **\$48,216,200**

# FY 2026 Appropriation

General Funds	\$44,744,900
Dedicated Funds	\$38,449,300
<b>Total</b>	<b>\$83,194,200</b>

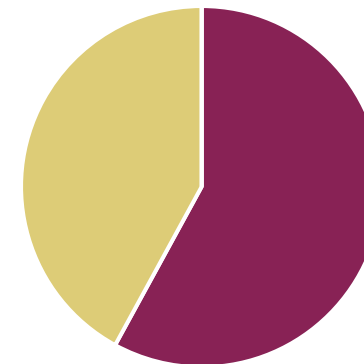
Personnel Costs	\$48,216,200
Operating Expenditures	\$34,978,000
Capital Outlay	\$0
<b>Total</b>	<b>\$83,194,200</b>

Funding Source



■ General Funds ■ Dedicated Funds

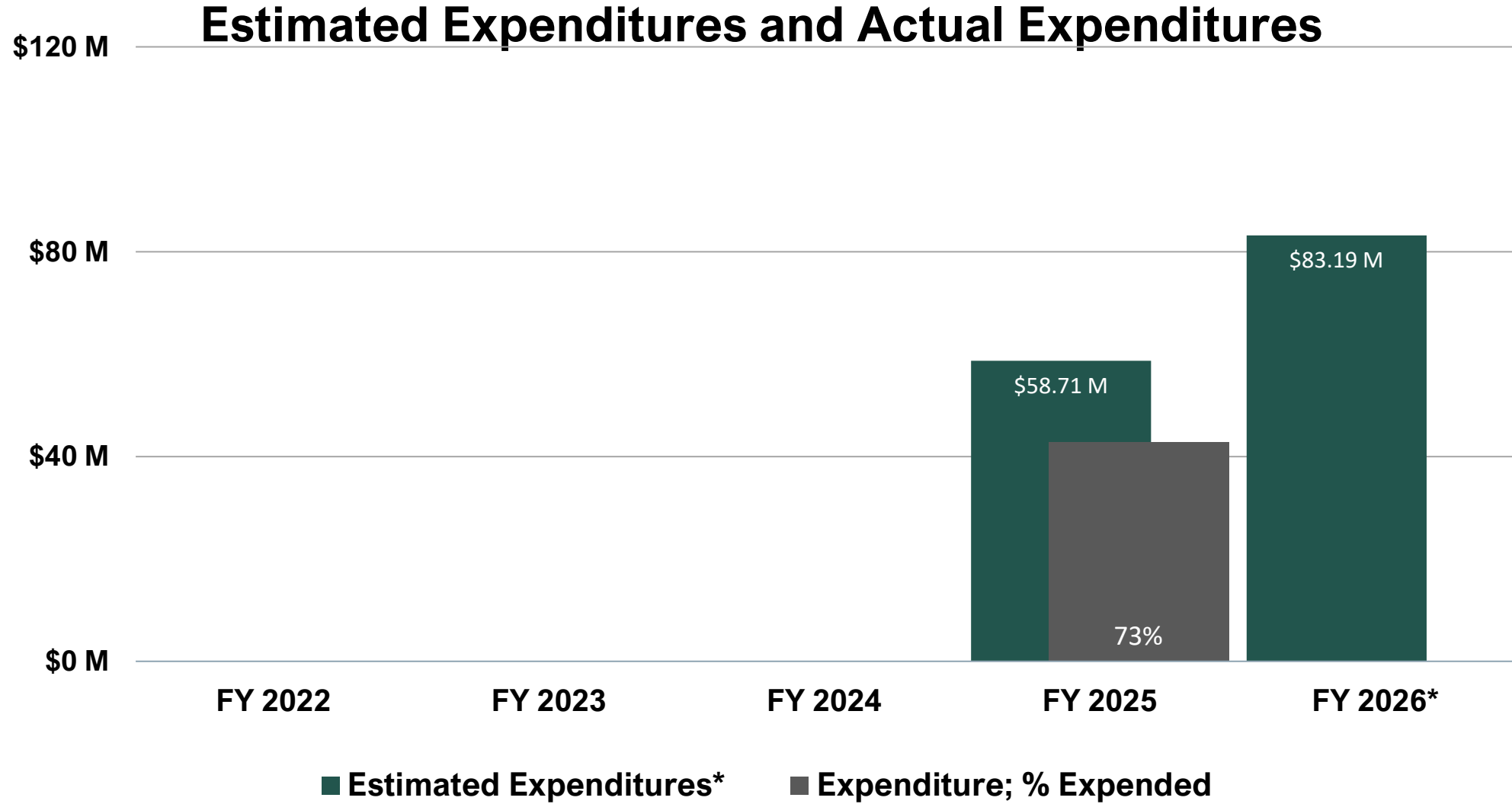
Account Category



■ Personnel Costs ■ Operating Expenditures ■ Capital Outlay



# Five-Year Appropriations and Expenditures



\*FY 2026 is Original Appropriation

# Fund Analysis – Public Defense Fund

Description	FY 2024 Actual	FY 2025 Actual	FY 2026 Estimate	FY 2027 Estimate
A Beginning Free Fund Balance	\$0	\$0	\$16,241,300	\$18,542,422
B Receipts and Transfers	\$0	\$40,492,159	\$40,750,422	\$40,497,000
C Cash Expenditures*	\$0	\$24,250,859	\$38,449,300	\$39,620,700
<b>Ending Free Fund Balance (A + B - C)</b>	<b>\$0</b>	<b>\$16,241,300</b>	<b>\$18,542,422</b>	<b>\$19,418,722</b>

\* Estimate based on request.

# 2025 Budget Enhancements

Ongoing Enhancement Name	Type	Amount
Statewide Public Defense	Enhancement	\$35,530,000
Additional 2% CEC	Enhancement	\$37,600
<b>Total Ongoing Base Change from Enhancements</b>		<b>\$35,567,600</b>

Onetime Enhancement Name	Type	Amount
Statewide Case Management System	Enhancement	\$3,050,000
CPA Appropriation Alignment	Supplemental	\$2,500,000
Transcript Costs	Supplemental	\$390,200
Additional Personnel and Contracting Costs	Supplemental	\$3,799,900
<b>Total Onetime Base Change from Enhancements</b>		<b>\$9,740,100</b>

# Key Indicators (from performance report)

Performance Measure		FY 2025	FY 2026	FY 2027	FY 2028	FY 2029
<b>Goal 1</b>						
<i>Provide Constitutionally Required Representation for Every Client</i>						
<b>Objective 1</b>						
<i>Implement Workload Standards for each institutional and contract PD for all indigent defense cases.</i>						
Institutional public defenders will be assigned to cases based on a weighted public defense workload.	actual	50%				
	target	Case Management System (CMS) coordinator will work with staff to complete workload checks prior to assigning cases				
	actual	50%				
	target	Institutional and contract PDs will record and account for their work time and tasks in 1/10th of an hour increments in the CMS				
	actual	50%				
	target	Case progress, weighted workload, time/task tracking and related data will be reviewed by Managing Attorneys (MAs) and District Public Defenders.				
	actual	100%				
	target	Principal Research Analyst will create regular reports about workloads to the SPD				
<b>Objective 2</b>						
<i>Implement Vertical Representation by each institutional and contract PD</i>						
Following first appearances, each assigned attorney will provide continuous and personal representation through trial proceedings and preservation of the right to appeal for each client in every case.	actual	90%				
	target	Assigned PDs will inform the court of their unavailable dates to ensure they will be available to provide vertical representation for clients.				
	actual	90%				
	target	Assigned PD will seek continuances from the court for unforeseen situations that would prevent them from providing vertical representation.				
	actual	100%				

# 2026 Budget Enhancements

Ongoing Enhancement Name	Type	Amount
CPA Appropriation Alignment	Enhancement	\$2,500,000
Public Defense Operating Budget	Enhancement	\$16,380,800
New Institutional Offices	Enhancement	\$185,000
Additional Transcript Costs	Enhancement	\$1,290,200
Additional Personnel Costs	Enhancement	\$6,467,300
Additional Contracting Costs	Enhancement	\$5,517,100
Fund Shift for CEC Costs	Enhancement	\$0
<b>Total Ongoing Base Change from Enhancements</b>		<b>\$32,340,400</b>

Onetime Enhancement Name	Type	Amount
New Institutional Offices	Enhancement	\$41,700
<b>Total Onetime Base Change from Enhancements</b>		<b>\$41,700</b>

# 2027 Budget Request

Ongoing Enhancement Name	Type	Amount
6.00 FTP - Additional Trial Attorneys (\$849,700)	Enhancement	\$0
Ongoing, Secure Hosted Data Storage (12 offices)	Enhancement	\$132,500
<b>Total Ongoing Base Change from Enhancements</b>		<b>\$132,500</b>

Onetime Enhancement Name	Type	Amount
ITS Replacement Items (laptops)	Enhancement	\$3,700
Onetime Data Migration for 11 Offices	Enhancement	\$118,000
<b>Total Onetime Base Change from Enhancements</b>		<b>\$121,700</b>

Agency submitted outcomes: *Provide constitutionally required representation for every client.*

- Assign public defenders to cases based on weighted public defense workload.
- Retain essential case files from before the transition to a state office.

# FY 2027 Governor's Recommendation

## Office of the State Public Defender Comparative Summary

Analyst: Bisharat

Decision Unit	Agency Request			Governor's Rec		
	FTP	General	Total	FTP	General	Total
FY 2026 Original Appropriation	333.96	44,744,900	83,194,200	333.96	44,744,900	83,194,200
Governor's Holdback	0.00	(1,341,100)	(1,341,100)	0.00	(1,341,100)	(1,341,100)
Unallocated CEC - S1110	0.00	0	(382,100)	0.00	0	(382,100)
FY 2026 Estimated Expenditures	333.96	43,403,800	81,471,000	333.96	43,403,800	81,471,000
Removal of Onetime Expenditures	0.00	(41,700)	(41,700)	0.00	(41,700)	(41,700)
Base Adjustments	0.00	0	0	0.00	0	0
Restore Rescissions/Gov Holdback	0.00	1,341,100	1,723,200	0.00	1,341,100	1,723,200
FY 2027 Base	333.96	44,703,200	83,152,500	333.96	44,703,200	83,152,500
Personnel Benefit Costs	0.00	209,200	1,077,300	0.00	110,500	567,400
Statewide Cost Allocation	0.00	468,000	468,000	0.00	468,000	468,000
Change in Employee Compensation	0.00	74,200	377,500	0.00	0	0
FY 2027 Program Maintenance	333.96	45,454,600	85,075,300	333.96	45,281,700	84,187,900
1. Additional Trial Attorneys	6.00	0	0	6.00	0	0
2. Data Migration and Storage	0.00	0	250,500	0.00	0	250,500
Ongoing Rescission	0.00	(1,341,100)	(1,341,100)	0.00	(1,341,100)	(1,341,100)
ITS Replacement Items	0.00	0	3,700	0.00	0	3,700
FY 2027 Total	339.96	44,113,500	83,988,400	339.96	43,940,600	83,101,000
Change from Original Appropriation	6.00	(631,400)	794,200	6.00	(804,300)	(93,200)
% Change from Original Appropriation		(1.4%)	1.0%		(1.8%)	(0.1%)

Please feel free to contact me with any questions at (208) 332-1286 or [jbisharat@lso.idaho.gov](mailto:jbisharat@lso.idaho.gov)

LSO

Legislative Services Office



# 2026 General Fund Holdback

## 4% Holdback

Personnel Costs: Unallocated CEC Reversion	(\$19,500)
Operating Expenses: Affected activities include travel, storage and communication subscriptions, experts, investigative services, mitigation specialists, paralegal services, language services, office supplies, and shipping costs. Also consolidated office space by canceling the leases for the seven district defenders and assigning them offices within each of the respective district offices.	(\$1,321,600)
Personnel Costs: Vacancy Savings	(\$448,700)
<b>Total Amount Reverted</b>	<b>(\$1,789,800)</b>

# 2027 Holdback Plan

## 5% Holdback

Personnel Costs

(\$915,600)

Operating Expenses

(\$1,321,600)

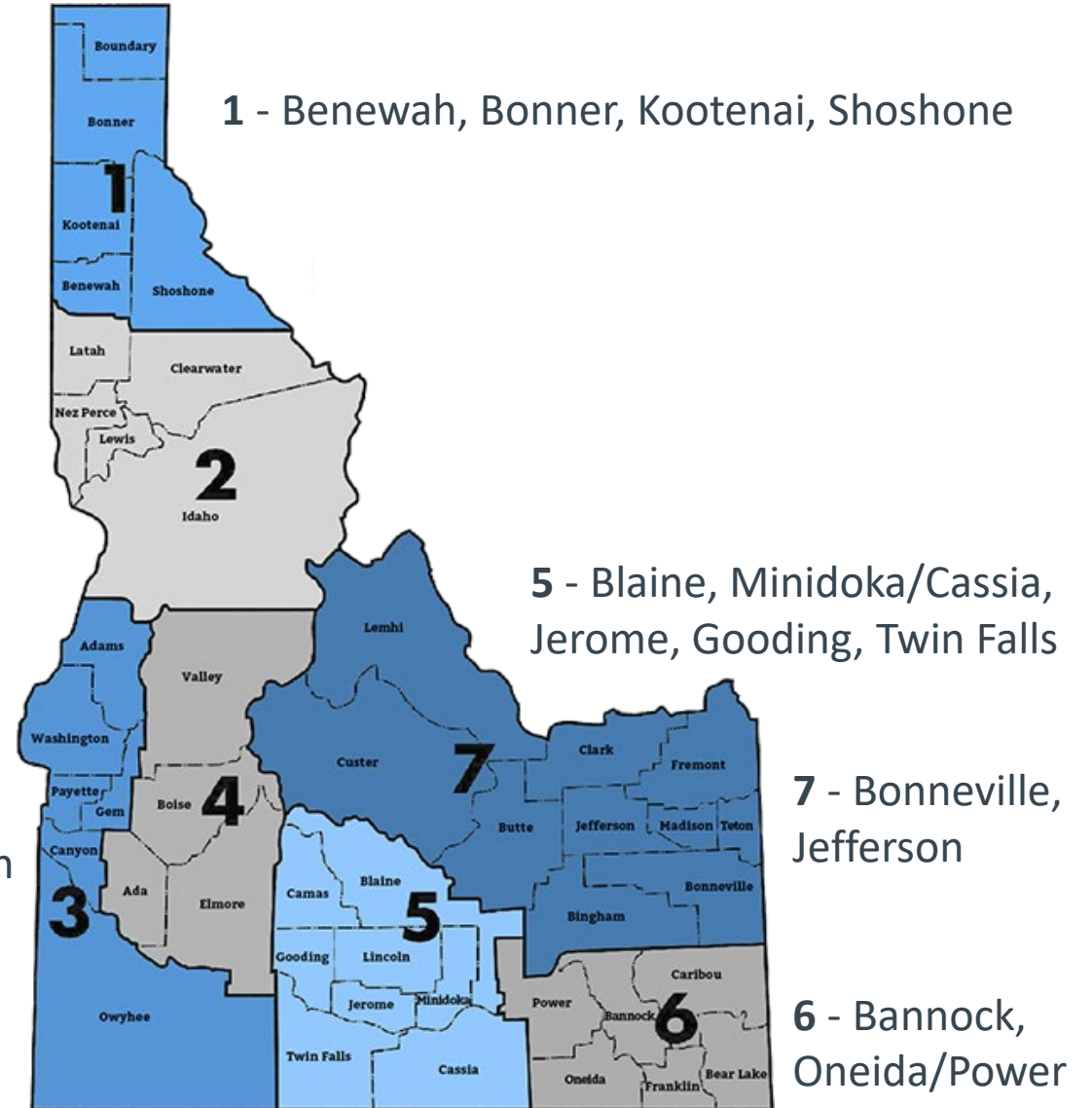
Affected activities include travel, storage and communication subscriptions, experts, investigative services, mitigation specialists, paralegal services, language services, office supplies, and shipping costs. Also consolidated office space by canceling the leases for the seven district defenders and assigning them offices within each of the respective district offices.

**Total Amount:**

**(\$2,237,200)**

# Agency Snapshot

- Counties transitioned: 18
- Offices in the judicial districts: 16
- FTP count: 333.96
- 150+ contract attorneys



# Report on Facilities Transition Plan




Ongoing									
Office	Sqft	Rate	Rent (Sqft*rate)	Parking	Utilities	Janitorial	ITS - Ongoing	Liability Insurance	Total Ongoing
Kootenai	12,659	\$18.34	\$246,096.02	\$0.00	\$23,400.00	\$41,000.00	Already Paying	\$10,000.00	\$320,500
Twin Falls	10,000	\$18.00	\$180,000.00	\$0.00	\$70,000.00	\$25,000.00	Already Paying	Unknown	\$275,000
Ada	20,000	\$24.00	\$480,000.00	\$184,800.00	\$140,000.00	\$50,000.00	Already Paying	unknown	\$854,800
Gooding	2,500	\$12.00	\$30,000.00	\$0.00	\$17,500.00	\$6,250.00	Already Paying	Unknown	\$53,800
Power/Oneida	2,500	\$19.76	\$49,400.00	\$0.00	\$17,500.00	\$6,250.00	Already Paying	Unknown	\$73,200
Jefferson	2,500	\$12.00	\$30,000.00	\$0.00	\$17,500.00	\$6,250.00	Already Paying	Unknown	\$53,800
Bonneville	9,500	\$18.15	\$172,425.00	\$0.00	\$66,500.00	\$23,750.00	Already Paying	Unknown	\$262,700
Bonner/Boundary	5,500	\$18.34	\$100,870.00	\$0.00	\$38,500.00	\$13,750.00	Already Paying	Unknown	\$153,100
Mini-Cassia	5,000	\$15.30	\$76,500.00	\$0.00	\$35,000.00	\$12,500.00	Already Paying	Unknown	\$124,000
Bannock	9,053	\$14.38	\$130,182.14	\$0.00	\$63,371.00	\$22,632.50	Already Paying	Unknown	\$216,200
Blaine	2,500	\$25.24	\$63,100.00	\$0.00	\$17,500.00	\$6,250.00	Already Paying	Unknown	\$86,900
Canyon	10,000	\$23.13	\$231,300.00	\$0.00	\$70,000.00	\$25,000.00	Already Paying	Unknown	\$326,300
<b>Total</b>	<b>91,712</b>	<b>-</b>	<b>\$1,789,873.16</b>	<b>\$184,800.00</b>	<b>\$576,771.00</b>	<b>\$238,632.50</b>	<b>\$0.00</b>	<b>\$10,000.00</b>	<b>\$2,800,300</b>

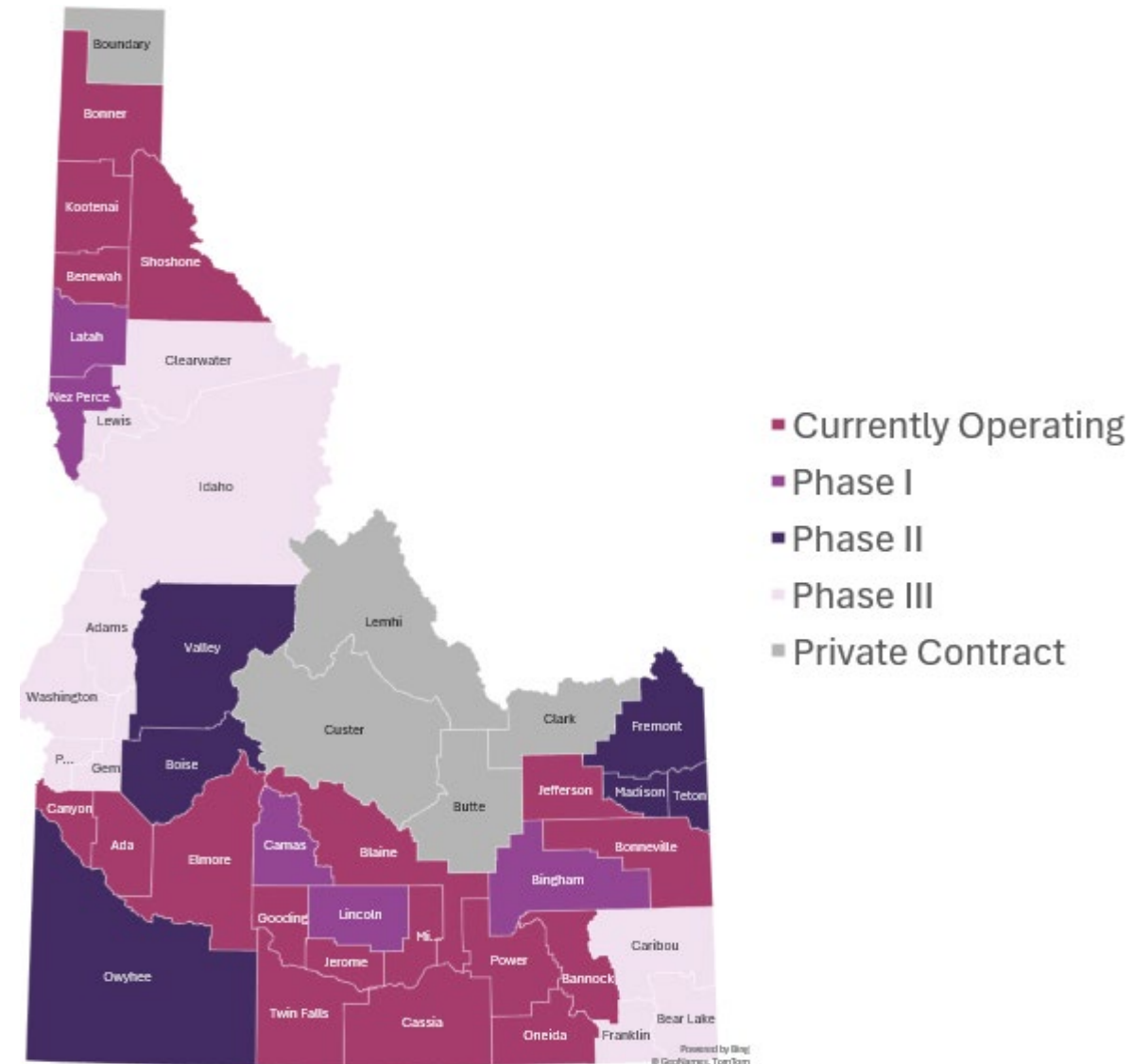
One-time							
Office	Furniture	Moving Expenses	Other	ITS Cables + Misc	ITS - Drops	Tenant Improvement Allowance	Total Onetime
Kootenai		\$0		\$5,000	\$1,500	Unknown	\$6,500
Twin Falls	\$25,000	\$0		\$11,000	\$9,000	Unknown	\$45,000
Ada	\$562,000	\$15,000	\$5,000	\$31,400	\$26,400	Unknown	\$639,800
Gooding	\$2,000	\$5,000		\$3,200	\$15,000	Unknown	\$25,200
Power/Oneida		\$3,000		\$2,900	\$900	Unknown	\$6,800
Jefferson		\$2,000		\$2,900	\$900	Unknown	\$5,800
Bonneville		\$10,000		\$9,500	\$7,500	Unknown	\$27,000
Bonner/Boundary		\$5,000		\$6,500	\$4,500	Unknown	\$16,000
Mini-Cassia		\$5,000		\$5,300	\$3,300	Unknown	\$13,600
Bannock		None		\$3,500	\$1,500	Unknown	\$5,000
Blaine		None		\$2,600	\$600	Unknown	\$3,200
Canyon		None		\$5,000	\$3,000	Unknown	\$8,000
<b>Total</b>	<b>\$589,000</b>	<b>\$45,000</b>	<b>\$5,000</b>	<b>\$88,800</b>	<b>\$74,100</b>	<b>-</b>	<b>\$801,900</b>

**Total Ongoing and One-time: \$3,602,200**

# Report on Contracting and Cost-Effectiveness of Transitioning to State Employees

- Recommend a consolidated staffing approach
- Awaiting further direction from the Legislature

<b>Phase I</b> 	Latah/Nez Perce (cost savings of \$1.65 million) Camas/Lincoln (cost savings of \$102,900) Bingham (cost of \$183,900)
<b>Phase II</b> 	Boise/Valley (cost savings of \$294,500) Owyhee (cost savings of \$68,700) Fremont/Madison/Teton (cost of \$106,800)
<b>Phase III</b> 	Clearwater/Idaho/Lewis (cost savings of \$42,100) Adams/Gem/Payette/Washington (cost of \$80,700) Bear Lake/Caribou/Franklin (cost of \$43,500)



Joint Office*	Contractors	Current Cost	FCE Estimates	Attorneys Needed @210	Legal Assists	Full-time Pos Costs	Savings/Costs
Latah, Nez Perce	37	\$3,534,010	1,956.3	10.0	5.0	\$1,880,438	(\$1,653,600)
Clearwater, Idaho, Lewis	42	\$627,216	426.9	3.0	1.5	\$585,076	(\$42,100)
Adams, Gem, Payette, Washington	28	\$1,067,523	1,243.3	6.0	3.0	\$1,148,229	\$80,700
Canyon, Owyhee	4	\$300,195	170.0	1.0	0.5	\$231,503	(\$68,700)
Ada, Boise, Valley	17	\$664,299	244.3	2.0	1.0	\$369,771	(\$294,500)
Bear Lake, Caribou, Franklin	14	\$372,519	412.7	2.0	1.0	\$416,020	\$43,500
Bingham	23	\$773,367	888.4	5.0	2.5	\$957,259	\$183,900
Fremont, Jefferson, Madison, Teton	23	\$601,122	794.6	4.0	2.0	\$707,882	\$106,800
Butte, Clark, Custer, Lemhi	25	\$282,987	381.3	2.0	1.0	\$416,020	\$133,000
Camas, Gooding, Lincoln**	9	\$102,918	128.0	-	-	\$0	(\$102,900)
<b>Total</b>	-	<b>\$8,326,156</b>	<b>6,645.9</b>	<b>35.0</b>	<b>17.5</b>	<b>\$6,712,197</b>	<b>(\$1,613,900)</b>

\*Offices colored blue are already staffed with state employees and have no associated costs on this spreadsheet

\*\*It is believed that the workload in Camas and Lincoln counties can be absorbed by the Gooding office with existing personnel at no additional cost to the State

# Key Indicators (from performance report)

Performance Measure		FY 2025	FY 2026	FY 2027	FY 2028	FY 2029
	target	<i>Vertical representation and related data will be reviewed by MAs and DPDs regularly.</i>				
	actual	100%				
	target	<i>The Principal Research Analyst will make a monthly report about vertical representation to the SPD.</i>				
<b>Goal 2</b>						
<i>The Alternative Counsel Division ("ACD") will contract with and assign conflict public defenders when the SPD is appointed to represent a client but is unable to due to a conflict of interest or other reason</i>						
<b>Objective 1</b>						
<i>Ensure conflict cases are assigned to highly qualified contract PDs</i>						
Recruit and contract with contract PDs to provide high-quality, holistic defense services to clients	actual	90%				
	target	<i>ACD-assigned contract public defenders will abide by SPD policies and the Idaho Rules of Professional Conduct as a contract term</i>				
	actual	100%				
	target	<i>ACD-assigned contract public defenders will participate in training or continuing legal education (CLE) as required by the SPD contract.</i>				
<b>Objective 2</b>						
<i>Evaluate the quality of holistic representation provided by the ACD-assigned contract PDs</i>						
Use objective data and case reviews to ensure ACD-assigned contract public defenders are meeting contract terms, including all SPD policies and standards.	actual	50%				
	target	<i>Case and weighted public defense workload will be regularly reviewed.</i>				
	actual	50%				
	target	<i>The ACD Director and staff will conduct annual reviews of CMS data and random samplings of cases handled by ACD assigned contract public defenders using objective ABA criteria and standards</i>				
<b>Goal 3</b>						
<i>Improve the Understanding, Effectiveness, and Resourcing of Public Defense</i>						



# Key Indicators (from performance report)

Performance Measure		FY 2025	FY 2026	FY 2027	FY 2028	FY 2029
<b>Objective 1</b>						
<i>Implement a statewide CMS to collect data about SPD cases and improve representation from appointment to the end of the representation</i>						
The SPD will receive accurate and timely information and reporting via the CMS to support effective representation and necessary resourcing for clients.	actual	50%				
	target	<i>Institutional and contract PDs will enter all case information contemporaneously in the CMS</i>				
	actual	70%				
	target	<i>Institutional and contract PD will contemporaneously record and account for their work time and tasks in 1/10th of hour increments in the CMS</i>				
	actual	85%				
	target	<i>Each MA and DPD will have full compliance within the office and district with the CMS policies and procedures.</i>				
<b>Objective 2</b>						
<i>Consolidate finance processes and reporting of public defense costs and needs of public in Idaho</i>						
The SPD will receive timely data and reports about the costs and needs in each office, district, and division	actual	100%				
	target	<i>All personnel, contract, and vendor costs will begin to be collected and processed through the CMS and/or LUMA.</i>				
	actual	80%				
	target	<i>The Principal Finance Specialist will make monthly reports to the SPD outlining the budget and expenditures for offices, districts, and divisions.</i>				
<b>Goal 4</b>						
<i>Promote Excellence in Representation, Leadership, and Administration through Interactive and Accessible Training to Public Defenders and Staff</i>						
<b>Objective 1</b>						
<i>Understand the training needs of public defenders and staff</i>						
Seek input from public defenders, staff, and partners to design effective in-person and virtual trainings and webinars beginning in September 2024.	actual	80%				
	target	<i>The Training &amp; Projects Coordinator will request feedback for each training course and encourage suggestions for programs and improvements.</i>				

# Key Indicators (from performance report)

Performance Measure		FY 2025	FY 2026	FY 2027	FY 2028	FY 2029
<b>Objective 2</b>						
<i>Develop innovative and accessible training</i>						
Provide substantive legal training for public defenders and staff.	actual	100%				
	target	<i>The SPD will continue The Montroy Series, a monthly virtual continuing legal education (CLE) program;</i>				
	actual	100%				
	target	<i>In May 2025, the Training &amp; Project Coordinator will organize the SPD's first statewide training conference, Defender 2025, which will be held at Boise State University;</i>				
<b>Goal 5</b>						
<i>Promote Legal Excellence Through Legal Research and Resourcing</i>						
<b>Objective 1</b>						
<i>Design and build legal research options</i>						
Provide research tools for institutional and contract public defenders	actual	100%				
	target	<i>Institutional and contract public defenders have access at no charge to the Lexis online legal research platform for public defense cases</i>				
	actual	Incomplete				
	target	<i>Beginning in Fall 2024, the SPD will design brief/issue repository for implementation in 2026</i>				
<b>Objective 2</b>						
<i>Develop resource lists and presumptive rates for professional services</i>						
Provide resource lists/assistance and presumptive rates for institutional and contract public defenders	actual	75%				
	target	<i>Institutional and contract public defenders will have access to a resource bank for experts and providers</i>				
	actual	75%				
	target	<i>The SPD will develop and continually update presumptive rates for experts and</i>				

# Base Budget

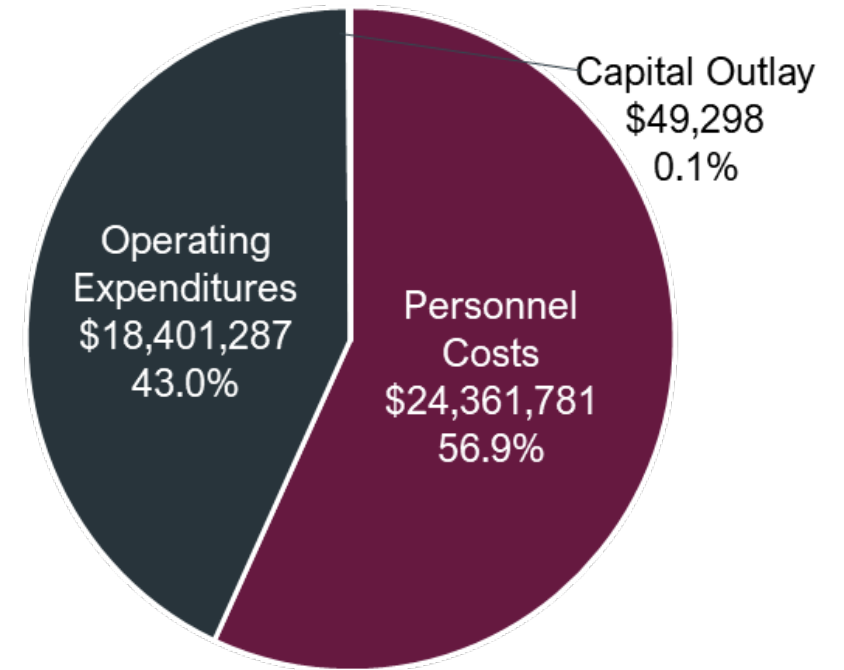
Fiscal Year	FY 2022	FY 2023	FY 2024	FY 2025	FY 2026*
1. Total FTP	0.00	0.00	0.00	316.00	333.96
2. <b>Current Year Base</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>13,391,400</b>	<b>48,965,300</b>
3. Benefits Costs				(1,000)	471,400
4. Statewide Cost Allocation				(11,400)	131,700
5. CEC				18,700	1,243,700
6. <b>Total Ongoing Maintenance Change</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>6,300</b>	<b>1,846,800</b>
7. <i>% Chg from Current Year Base (line 6 / 2)</i>	<i>0.0%</i>	<i>0.0%</i>	<i>0.0%</i>	<i>0.0%</i>	<i>3.8%</i>
8. Ongoing Enhancements				35,567,600	29,840,400
9. <b>Total Ongoing Enhancements Change</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>35,567,600</b>	<b>29,840,400</b>
10. <i>% Chg from Current Year Base (line 9 / 2)</i>	<i>0.0%</i>	<i>0.0%</i>	<i>0.0%</i>	<i>265.6%</i>	<i>60.9%</i>
11. Ongoing Base Adjustments			\$13,391,400		-
12. <b>Next Year Base (line 2 + 6 + 9 + 11)</b>	<b>0</b>	<b>0</b>	<b>13,391,400</b>	<b>48,965,300</b>	<b>83,152,500*</b>
13. <b>Total Base Change (line 12 - 2)</b>	<b>0</b>	<b>0</b>	<b>13,391,400</b>	<b>35,573,900</b>	<b>34,187,200</b>
14. <i>% Chg from Current Year Base (line 13 / 2)</i>	<i>0.0%</i>	<i>0.0%</i>	<i>0.0%</i>	<i>265.6%</i>	<i>69.8%</i>

\*Next Year Base not set. Ongoing Original Appropriation used instead.



# FY 2025 Expenditures

Personnel Costs	\$24,361,781
Operating Expenditures	\$18,401,287
Capital Outlay	\$49,298
<b>Total</b>	<b>\$42,812,366</b>

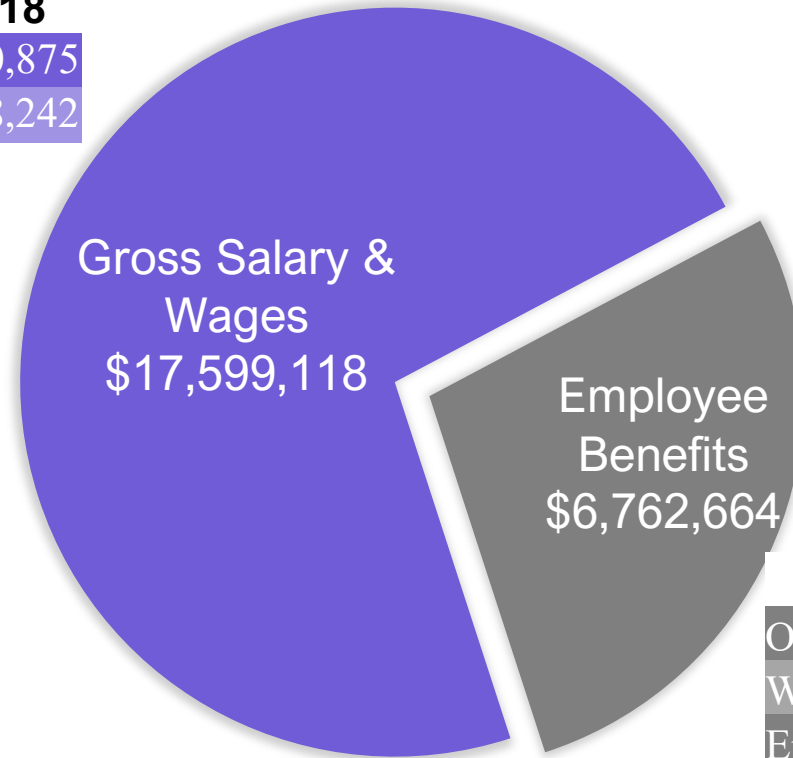


# FY 2025 Expenditures – Personnel Costs

56.9% of Total Expenditures

## Gross Salary and Wages: \$17,599,118

Employees	\$17,530,875
Temporary Employees	\$68,242



## Employee Benefits: \$6,762,664

Other Employee Benefits	\$3,187,339
Workers Compensation	\$22,681
Employer Retirement Contribution	\$2,086,449
DHR	\$174,562
Social Security and Medicare	\$1,291,634

A Total of \$24,361,781 was Expended on Personnel Costs

# FY 2025 Expenditures - Operating Expenditures

43.0% of Total Expenditures

## Operating Expenditures

Expenditure	FY 2021	FY 2022	FY 2023	FY 2024	FY 2025	% of Total
Communication Costs					\$344,700	1.9%
Employee Development Costs					\$92,257	0.5%
General Services					\$176,453	1.0%
Professional Services					\$14,919,547	81.1%
Repair & Maintenance Services					\$60,741	0.3%
Administrative Services					\$12,872	0.1%
Computer Services					\$1,435,768	7.8%
Employee Travel Costs					\$519,866	2.8%
Administrative Supplies					\$80,258	0.4%
Fuel & Lubricant Costs					\$34	0.0%
Manufacturing & Merchandising Costs					\$3,193	0.0%
Computer Supplies					\$334,334	1.8%
Institutional & Residential Supplies					\$29,534	0.2%
Specific Use Supplies					\$8,226	0.0%
Insurance					\$3,875	0.0%
Utility Charges					\$36,941	0.2%
Rentals & Operating Leases					\$280,827	1.5%
Miscellaneous Expenditures					\$61,859	0.3%
<b>Total</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$18,401,287</b>	<b>-</b>



# Agency Funds – State Public Defense Fund

## Online Retailers Sales Tax collected from:

- Retailers without a physical presence in Idaho
- Sales and use taxes on transactions facilitated for third-party sellers by marketplace facilitators

Taxes distributed into the Tax Relief Fund

\$39,000,000 transferred into the  
State Public Defense Fund

# Agency Funds – Sources and Uses

## **Fund: General (10000 Gen)**

Sources: The General Fund consists of "moneys received into the treasury and not specially appropriated to any other fund" (§67-1205). The General Fund is derived from the individual income tax, the corporate income tax, the sales tax, and from other taxes and distributions.

Uses: Funds are used to carry out the statutory duties of the office including, but not limited to, providing legal representation to indigent defendants at all stages of criminal and commitment proceedings pursuant to the Sixth Amendment to the United States Constitution; Section 13, Article I, of the Constitution of the State of Idaho; and Section 19-6005, Idaho Code. Any remaining unexpended and unencumbered amounts not used in this program revert to the General Fund.

The Office of the State Public Defender (SPD) was created in 2023 pursuant to Section 19-6003, Idaho Code, and began operating on October 1, 2024. The Public Defense Commission was dissolved. Information for FY 2024 and prior can be found under the Public Defense Commission.

## **Fund: Attorney Costs for Guardian ad Litem Account (23800 Ded)**

Sources: The Attorney Costs for Guardian Ad Litem Account was established through S 1367 (2024). See Section 57-828, Idaho Code. For FY 2025, and each fiscal year thereafter, immediately after the transfer made pursuant to Section 57-811(3), Idaho Code, the State Controller shall transfer the amount required for the account to have a beginning fiscal year balance of \$500,000 from the state Public Defense Fund.

Surplus moneys in the account shall be invested by the State Treasurer in the same manner as prescribed in Section 67-1210, Idaho Code, with respect to surplus or idle moneys in the state treasury. Interest earned on the investments shall be returned to the account.

Uses: All moneys placed in the account are perpetually appropriated for reimbursing counties for representation of guardians ad litem pursuant to Section 16-1614(4), Idaho Code. All expenditures from the account shall be paid out in warrants drawn by the State Controller upon presentation of proper vouchers from the Office of the State Public Defender.



# Agency Funds – Sources and Uses

## **Fund: Public Defense Fund (50900 Ded)**

Sources: The State Public Defense Fund is established in Section 57-827, Idaho Code, and consists of:

- (a) Moneys transferred to the fund pursuant to Section 57-811, Idaho Code (currently \$39,000,000 from the Tax Relief Fund);
- (b) Legislative appropriations to the fund;
- (c) On and after October 1, 2024, any fees or reimbursement ordered pursuant to Section 19-6011(7) and Section 19-6015, Idaho Code, or distributed pursuant to Section 31-3201I(16), Idaho Code;
- (d) Any bequests or donations to the fund; and
- (e) Interest earned on idle moneys in the fund.

Uses: Moneys in the fund shall be used as determined by legislative appropriation to fulfill the state's obligation to provide indigent public defense pursuant to the Sixth Amendment of the United States Constitution and Section 13, Article I of the Constitution of the State of Idaho, and Section 19-6005, Idaho Code.

Pursuant to Section 57-828, Idaho Code, each fiscal year the State Controller shall transfer from the Public Defense Fund the amount required for the Attorney Costs for Guardian Ad Litem Account to have a beginning fiscal year balance of \$500,000.

