

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 600

BY APPROPRIATIONS COMMITTEE

AN ACT

1 APPROPRIATING MONEYS TO THE OFFICE OF THE STATE APPELLATE PUBLIC DEFENDER  
2 FOR FISCAL YEAR 2017; LIMITING THE NUMBER OF FULL-TIME EQUIVALENT POSI-  
3 TIONS; PROVIDING LEGISLATIVE INTENT FOR THE PAYMENT OF OUTSIDE COUNSEL  
4 COSTS; AND PROVIDING LEGISLATIVE INTENT FOR THE PAYMENT OF CAPITAL REP-  
5 RESENTATION COSTS.  
6

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

8 SECTION 1. There is hereby appropriated to the Office of the State Ap-  
9 pellate Public Defender, the following amounts to be expended according to  
10 the designated programs and expense classes, from the listed funds, for the  
11 period July 1, 2016, through June 30, 2017:

	FOR	FOR	
	PERSONNEL	OPERATING	
	COSTS	EXPENDITURES	TOTAL
15 I. OFFICE OF STATE APPELLATE PUBLIC DEFENDER:			
16 FROM:			
17 General			
18 Fund	\$2,111,500	\$222,700	\$2,334,200
19 Miscellaneous Revenue			
20 Fund	<u>0</u>	<u>25,000</u>	<u>25,000</u>
21 TOTAL	\$2,111,500	\$247,700	\$2,359,200
22 II. CAPITAL AND CONFLICT REPRESENTATION:			
23 FROM:			
24 General			
25 Fund		\$302,400	\$302,400
26 GRAND TOTAL	\$2,111,500	\$550,100	\$2,661,600

27 SECTION 2. FTP AUTHORIZATION. In accordance with Section 67-3519,  
28 Idaho Code, the Office of the State Appellate Public Defender is authorized  
29 no more than twenty-three (23) full-time equivalent positions at any point  
30 during the period July 1, 2016, through June 30, 2017, unless specifically  
31 authorized by the Governor. The Joint Finance-Appropriations Committee  
32 will be notified promptly of any increased positions so authorized.

33 SECTION 3. OUTSIDE COUNSEL COSTS. Of the amount appropriated in Section  
34 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  
2    in which a conflict of interest is identified and only to the extent such  
3    costs are exclusive of, and can be identified and accounted for separately  
4    and distinctly from, capital representation costs and the operating, per-  
5    sonnel and capital outlay costs of the Office of the State Appellate Public  
6    Defender Program. Any remaining unexpended and unencumbered amounts not so  
7    used shall revert to the General Fund.

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