

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 230

BY APPROPRIATIONS COMMITTEE

1 AN ACT
2 RELATING TO THE APPROPRIATION TO THE STATE APPELLATE PUBLIC DEFENDER FOR
3 FISCAL YEAR 2022; APPROPRIATING MONEYS TO THE STATE APPELLATE PUB-
4 LIC DEFENDER FOR FISCAL YEAR 2022; LIMITING THE NUMBER OF AUTHORIZED
5 FULL-TIME EQUIVALENT POSITIONS; PROVIDING REQUIREMENTS FOR THE PAYMENT
6 OF OUTSIDE COUNSEL COSTS; AND PROVIDING REQUIREMENTS FOR THE PAYMENT OF
7 CAPITAL REPRESENTATION COSTS.

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

9 SECTION 1. There is hereby appropriated to the State Appellate Public
10 Defender the following amounts to be expended according to the designated
11 programs and expense classes from the listed fund for the period July 1,
12 2021, through June 30, 2022:

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	TOTAL
16 I. OFFICE OF THE STATE APPELLATE PUBLIC DEFENDER:			
17 FROM:			
18 General			
19 Fund	\$2,651,700	\$277,800	\$2,929,500
20 II. CAPITAL AND CONFLICT REPRESENTATION:			
21 FROM:			
22 General			
23 Fund		\$242,100	\$242,100
24 GRAND TOTAL	\$2,651,700	\$519,900	\$3,171,600

25 SECTION 2. FTP AUTHORIZATION. In accordance with Section 67-3519,
26 Idaho Code, the State Appellate Public Defender is authorized no more than
27 twenty-five (25.00) full-time equivalent positions at any point during the
28 period July 1, 2021, through June 30, 2022, unless specifically authorized
29 by the Governor. The Joint Finance-Appropriations Committee will be noti-
30 fied promptly of any increased positions so authorized.

31 SECTION 3. OUTSIDE COUNSEL COSTS. Notwithstanding any other provision
32 of law to the contrary, of the amount appropriated in Section 1 of this act
33 for the Capital and Conflict Representation Program, \$165,900 from the Gen-
34 eral Fund, or so much thereof as is necessary, shall be used solely to pay
35 outside counsel for noncapital appeals in which a concurrent conflict of in-

1 terest is identified and only to the extent such costs are exclusive of, and
2 can be identified and accounted for separately and distinctly from, capital
3 representation costs. Any remaining unexpended and unencumbered amounts
4 not so used shall revert to the General Fund.

5 SECTION 4. CAPITAL REPRESENTATION COSTS. Notwithstanding any other
6 provision of law to the contrary, of the amount appropriated in Section 1 of
7 this act for the Capital and Conflict Representation Program, \$76,200 from
8 the General Fund, or so much thereof as is necessary, shall be used solely for
9 costs directly related to the provision of representation in capital cases
10 and only to the extent such costs are exclusive of, and can be identified
11 and accounted for separately and distinctly from, outside counsel costs of
12 noncapital appeals. Any remaining unexpended and unencumbered amounts not
13 so used shall revert to the General Fund.