

STATEMENT OF PURPOSE

RS30446 / H0236

This bill is follow-up legislation to H 735aa (2022), and enacts a new model of public defense using the funding mechanism enacted in that bill. The Idaho Supreme Court recently held that the state remains liable for inadequate provision of public defense in this state even though the requirement to provide public defense has been delegated to counties since 1967.

The bill eliminates one state agency, the Public Defense Commission, and in its place creates the Office of State Public Defender. The agency will be headed by the State Public Defender, who along with the District Public Defenders in each judicial district, will share the responsibilities of carrying out the state's public defense system. The State Public Defender sets broad statewide policy, standards, and budget with input from the District Public Defenders. The District Public Defenders, one for each of the seven judicial districts, carry out the operational day-to-day functions of public defense in their corresponding judicial district consistent with state policy. The bill seeks to respect local input in who becomes the State Public Defender by having a panel consisting of one Magistrate Commissioner for each judicial district, nominate individuals from which the Governor appoints the State Public Defender. The Magistrates Commission will hire the District Public Defender in each judicial district. In counties without institutional offices, the Office of the State Public Defender will continue to contract with attorneys who practice in the county or judicial district.

In counties that have an institutional office, public defense services will be provided by employees of the Office of the State Public Defender. The class action suit against the state's public defense system is scheduled to go to trial early next year. This is the last legislative session before the trial to affect that suit.

FISCAL NOTE

In FY24, a one-time appropriation totaling \$4,467,700 for transition costs is needed (\$1,370,700 for 11.0 FTP and \$3,097,000 for operating expenses and capital outlay). This funds the State Public Defender, who will be appointed in July 2023, as well as 10.0 total additional FTP for human resources, technology services, and attorneys and support staff for transition. This also funds the procurement of a statewide case management system, data and case migration from numerous different county systems, assisting with capital or other complex criminal defense cases when counties lack qualified counsel during the transition, entering into contracts for conflict counsel as well as contract counsel in the approximately 30 counties, which do not have institutional offices, and onboarding employees so the transition occurs on October 1, 2024 to the new model with as little disruption as possible.

Beginning in FY25, the Public Defense Commission is abolished, and the Office of State Public Defender takes its place. The PDC's approximately \$12 million annual appropriation (nearly all of which is a pass-through to counties for public defense) combined with the \$36 million annually deposited into the State Public Defense Fund by the provisions of H 735aa (2022), results in a total of \$48 million annually available for appropriation in the 2024 Legislative Session for indigent public defense under the new model established in this bill.

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DISCLAIMER: This statement of purpose and fiscal note are a mere attachment to this bill and prepared by a proponent of the bill. It is neither intended as an expression of legislative intent nor intended for any use outside of the legislative process, including judicial review (Joint Rule 18).



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