

IN THE SENATE

SENATE BILL NO. 1346

BY FINANCE COMMITTEE

AN ACT

RELATING TO THE APPROPRIATION TO THE STATE APPELLATE PUBLIC DEFENDER FOR FISCAL YEAR 2021; APPROPRIATING MONEYS TO THE STATE APPELLATE PUBLIC DEFENDER FOR FISCAL YEAR 2021; LIMITING THE NUMBER OF AUTHORIZED FULL-TIME EQUIVALENT POSITIONS; PROVIDING REQUIREMENTS FOR THE PAYMENT OF OUTSIDE COUNSEL COSTS; AND PROVIDING REQUIREMENTS FOR THE PAYMENT OF CAPITAL REPRESENTATION COSTS.

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

SECTION 1. There is hereby appropriated to the State Appellate Public Defender the following amounts to be expended according to the designated programs and expense classes from the listed fund for the period July 1, 2020, through June 30, 2021:

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	TOTAL
I. OFFICE OF THE STATE APPELLATE PUBLIC DEFENDER:			
FROM:			
General			
Fund	\$2,496,400	\$268,800	\$2,765,200
II. CAPITAL AND CONFLICT REPRESENTATION:			
FROM:			
General			
Fund		\$242,100	\$242,100
GRAND TOTAL	\$2,496,400	\$510,900	\$3,007,300

SECTION 2. FTP AUTHORIZATION. In accordance with Section 67-3519, Idaho Code, the State Appellate Public Defender is authorized no more than twenty-four (24.00) full-time equivalent positions at any point during the period July 1, 2020, through June 30, 2021, 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. Notwithstanding any other provision of law to the contrary, of the amount appropriated in Section 1 of this act for the Capital and Conflict Representation Program, \$165,900 from the General Fund, or so much thereof as is necessary, shall be used solely to pay 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 and
11 accounted for separately and distinctly from, outside counsel costs of non-
12 capital appeals. Such costs may include but are not limited to consultation
13 with experts; travel, lodging, and per diem for expert and lay witnesses;
14 depositions; investigation; employee travel associated with witness in-
15 terviews; court reporting and transcription services; expert witness fees;
16 outside counsel in the event of a concurrent conflict of interest; and prepa-
17 ration of trial exhibits. Any remaining unexpended and unencumbered amounts
18 not so used shall revert to the General Fund.