

SUBCOMMITTEE RECOMMENDATION

Item 4: Public Defense Services Commission SB 578 (2021) Implementation

To: Ways and Means Full Committee
From: Public Safety Subcommittee
Carrier: Senator Gorsek

The Public Safety Subcommittee recommends that the Joint Interim Committee on Ways and Means recommend including the establishment of a \$380,436 General Fund appropriation, on a one-time basis, and authorizing the establishment of one limited duration full-time position (0.50 FTE) for the Public Defense Services Commission in a budget reconciliation bill during the 2022 legislative session to implement SB 578 (2021) and the payment of private counsel, with instruction that the agency work with the Legislative Fiscal Office to establish a new budget structure in the state's budget system for civil-related activities.

SB 578 allows for the payment of court-appointed counsel at state expense for qualified individuals when the estate of the protected person is insufficient to pay the expense of a private counsel. The law establishes a pilot program in three counties followed by a statewide roll-out to begin on or after January 2, 2024.

One limited duration position and funding for hourly attorney fees would be used to implement the measure for the current biennium; however, the process and the cost to determine financial eligibility remains indeterminate. The 2023-25 biennium cost is also indeterminate at this time.

The Subcommittee recommends approval.