

## **SUBCOMMITTEE RECOMMENDATION**

### **Item 7: Public Defense Services Commission Special Purpose Appropriation**

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To:           Emergency Board Full Committee  
From:        General Government Subcommittee  
Carrier:      Senator Steiner Hayward

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The General Government Subcommittee recommends that the Emergency Board allocate from the special purpose appropriation made to the Emergency Fund for the Public Defense Service Commission \$100 million General Fund.

The 2021-23 legislatively adopted budget for PDSC included a holdback of funding in the amount of \$100 million General Fund, which was placed in a special purpose appropriation to the Emergency Board. The SPA reduced only select appropriations to not impede PDSC's modernization efforts. The release of the holdback is contingent upon the Commission's satisfactory progress, as determined by the Legislature and/or the Emergency Board, in executing legislative expectations regarding the restructuring, modernization, financial controls, quality management, performance metrics, and governance of the agency.

PDSC has minimally met the requirements for the release of the SPA. While PDSC's financial forecast through the remainder of the biennium supports the allocation of \$63.2 million from the SPA, the forecast does not take into consideration other outstanding costs, such as pending contract negotiations for the second year of the biennium that will require additional resources. Given these outstanding financial issues, and the fragility of the state's public defense system, the Subcommittee recommended that the entire SPA be released as follows: \$70.3 million for the Criminal Trial Division, \$14.6 million for Nonroutine Expenses, \$5 million for Court Mandated Expenses, and \$10.2 million for the Juvenile Division. The recommendation is that the allocation be ongoing and included in PDSC's 2023-25 budget.

The Subcommittee recommends approval.