

SUBCOMMITTEE RECOMMENDATION

Item 3: Public Defense Services Commission Unrepresented Defendant-Persons Crisis

To: Emergency Board Full Committee
From: General Government Subcommittee
Carrier: Representative Smith

The General Government Subcommittee recommends that the Emergency Board allocate \$10 million General Fund from the Emergency Fund, as a one-time increase, to the Public Defense Services Commission to establish an appropriation for the unrepresented defendant/persons crisis, with instructions that the Commission, prior to the obligation or expenditure of the appropriation, provide to the Senate President and the Speaker of the House a written report detailing the Commission's plan to expend the \$10 million to resolve the unrepresented defendant/persons crisis. The Commission is also directed to report to no later than January 31, 2023 to the Joint Committee on Ways on Means on the unrepresented defendant/persons crisis.

PDSC requested \$10 million General Fund to address the current unrepresented defendant/persons crisis. The Subcommittee was challenged by the absence of a specific proposal related to the agency's request, as well as the absence of a more comprehensive plan to address the crisis.

The recommendation to approve the request is based on the risk that the unrepresented defendant/persons crisis may further worsen and that additional funding may be needed to ensure the constitutional rights of access to counsel for indigent defendant and persons prior to the passage of the 2023 early session omnibus budget measure.

The Subcommittee recommends approval.