

SUBCOMMITTEE RECOMMENDATION

Item 9: Public Defense Commission Temporary Hourly Increase Program

To: Emergency Board
From: Public Safety Subcommittee
Carrier: Representative Evans

The Public Safety Subcommittee recommends that the Emergency Board acknowledge the extension of the existing Temporary Hourly Increase Program from July 1 to December 31, 2024, defer funding of the extension to a future meeting of the Emergency Board, and hold in reserve up to \$5 million of a \$6.2 million special purpose appropriation for public defense expenses to fund the extension of the program. The Subcommittee's recommendation also includes instruction for the Public Defense Commission and the Judicial Department to report to the Emergency Board in September 2024 on the status of the unrepresented defendant/persons crisis, including how Public Defense Commission Regional Pilot Programs have been established and are performing, and how Judicial Crisis Plans authorized under SB 337 (2023) are being implemented.

The Temporary Hourly Increase Program was developed to serve as a mechanism to increase attorney and investigator capacity through enhanced hourly rates of pay above standard hourly scheduled rates of pay. The program is limited to in-custody defendants.

This request represents the fourth extension of the program since its inception in July 2022. The extension is necessary given the status of the unrepresented defendant/persons crisis. Funding the extension, however, can be deferred to a future date without jeopardizing program implementation because the 2023-25 legislatively approved budget remains sufficient to temporarily fund the extension. This will also give Commission time to substantiate the cost of the extension.

A \$6.2 million General Fund special purpose appropriation was approved during the 2023 session as a contingency for public defense expenses, of which the entire amount remains available through the December 2024 meeting of the Emergency Board. The cost to extend the program, currently estimated at \$5 million, is anticipated to be supported through a future allocation from the public defense contingency special purpose appropriation.

The Public Safety Subcommittee recommends approval.