

SUBCOMMITTEE RECOMMENDATION

Public Defense Service Commission Unrepresented Defendants and Persons Crisis

To: Ways and Means Full Committee
From: Public Safety Subcommittee
Carrier: Representative Evans

On March 2nd, the Public Safety Subcommittee recommended acknowledging receipt of a revised report from the Public Defense Services Commission on the unrepresented defendant and persons crisis.

PDSC was directed to report to the Joint Committee on Ways on Means after receiving a \$10 million allocation from the Emergency Board for the crisis.

PDSC's supplemental crisis funding plan includes six new initiatives, which are in addition to the six crisis initiatives previously approved and implemented by the Commission. The new initiatives are:

1. \$5.9 million to add a new, five-tiered hourly rate structure with rates varying by \$125 to \$200 per hour depending on case type;
2. \$2.1 million to fund a statewide retention incentive payment totaling \$15,000 per full-time provider attorney;
3. \$708,004 for non-attorney expenses;
4. \$672,907 Increased hourly rate for investigators for cases falling under the new rate structure;
5. \$395,000 for a Supervised Civil Bar Attorney Pilot Program; and
6. \$518,955 million to be held in reserve to augment any existing initiative that proves successful in reducing the crisis.

PDSC's plan assumes that only \$6.6 million of the \$10 million allocation will be expended in the 2021-23 biennium and that the remaining \$3.4 million allocation will be expended in the 2023-25 biennium. PDSC's revised plan now aligns with rebalance actions in the 2021-23 early session omnibus measure.

In addition, the Commission approved using \$6 million of projected General Fund savings to increase further the retention incentives to existing contract attorneys. When combined with the \$2.1 million in crisis funding, the total amount for contract attorney retention incentives is \$8.1 million General Fund.

The quantification of the impact of the new initiatives to reduce the crisis was left unspecified by PDSC. The number of unrepresented defendant/persons stands at 1,464, as of February 28, 2023, which is the highest reported figure to-date. Of this amount, there are currently 86 in-custody defendants.

The Commission has now been provided a total of \$22.8 million in supplemental funding for the crisis and has committed another \$20.4 million in savings from the agency's 2021-23 legislative approved budget for a total commitment of \$43.3 million General Fund. The impact of the crisis on the 2023-25 biennium is indeterminate at this time.

The Public Safety Subcommittee recommends approval.