

SUBCOMMITTEE RECOMMENDATION

Public Defense Commission Public Defense Attorney Capacity

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

On February 3rd, the Public Safety Subcommittee received a report from the Public Defense Commission on public defense attorney capacity.

The Public Defense Commission was directed by budget note to report on the comparison between budgeted and actual capacity for both contract providers and state-employed attorneys. The Department of Administrative Services unscheduled \$22.1 million General Fund in select programs that could be scheduled only after the submission of this report.

The report represents the Public Defense Commission's first studied attempt to evaluate provider capacity and utilization using a point-in-time snapshot from two months of data for the current 2025-27 contract period. The report concludes that 60% of providers are operating at or above 90% capacity, with 40% operating below the target. Of those providers operating below capacity, 46 are being monitored by the agency, with 24 subject to the agency's intervention. The remedial efforts the agency is undertaking to increase capacity are sufficient to direct the scheduling of the \$22.1 million General Fund.

The Public Safety Subcommittee recommends acknowledging receipt of the report, with instruction that the Department of Administrative Services is to

schedule \$22.1 million General Fund for the Public Defense Commission and direct the agency to provide an updated report comparing budgeted and actual public defense capacity to the Joint Committee on Ways and Means during the 2027 legislative session.