



The statewide public defender system established in 2006 through SB 146 provides legal counsel to indigent persons accused of crime and other persons in civil cases who are entitled by law to the assistance of counsel at public expense. Services are provided by a combination of state employees and attorneys contracting with the state. In general, state employees provide services in populated geographic areas where most cases occur, and contracted attorneys are used in less populated geographic areas.

From FY 2007 to FY 2017, expenditures increased due to a variety of factors including the following:

- anticipated caseload growth & caseload impacts
- costs associated with capital cases*
- contracted attorney services
- staff attorney turnover & staff attorney pay increases

Prior to the passage of SB 146, the services provided by the public defender were maintained at the local level. Legislative decisions for the creation of the statewide public defender system include the following:

- 2006 SB 146 creates a state Office of the Public Defender, 5.50 FTE added to administer the system
- 2007 SB 176 transferred \$8.1 million financial responsibility for public defender costs associated with the district courts to the Office of the Public Defender, 42 FTE attorneys and 23.75 FTE support staff were transferred from local governments to the statewide Office of the Public Defender, 20 additional FTE to administer the system, 3 FTE and \$205,261 in general fund for the Appellate Defender Division

In the 2019 biennium, the Office of the Public Defender’s budget decreased by 4.3% due to several pieces of legislation that aimed to provide net cost savings including HB 133, HB 59, and HB 77.

* A capital case is a case where the state charges the defendant with murder and seeks the death penalty. When an individual accused of a capital offense needs legal counsel from the public defender system, only certain attorneys with capital trial experience may be assigned the case. The complex nature and length of trial preparation for defense of capital crimes ultimately results in additional costs to the state.