

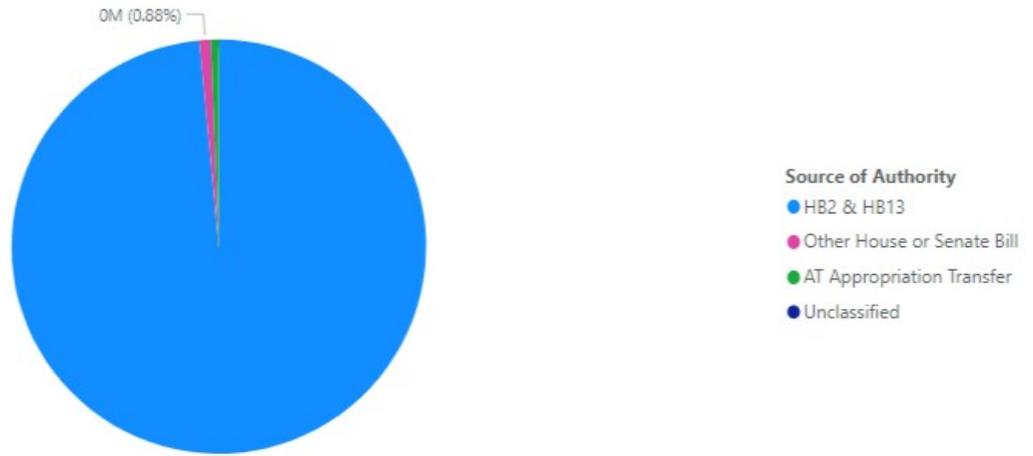
# OFFICE OF PUBLIC DEFENDER (OPD)

## TOTAL APPROPRIATION AUTHORITY

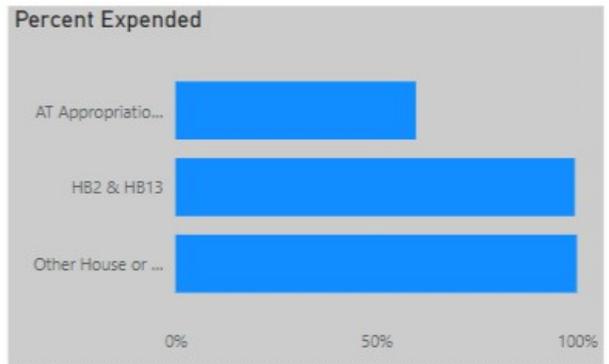
The total appropriation authority for the agency is shown in the pie chart below. HB 2 and HB 13 provide 98.5% of the total authority for this agency. All types of appropriation authority for this agency are described below, including total budget and the percent expended by source of authority.

### Public Defender

Total Appropriation Authority



Fiscal Year	2021		
LFD_src_auth_descr	Budget	FYE Expended	Percent Expended
AT Appropriation Transfer	243,703	146,040	59.9%
HB2 & HB13	39,066,227	38,868,975	99.5%
Other House or Senate Bill	350,000	350,000	100.0%
Unclassified	0		
<b>Total</b>	<b>39,659,930</b>	<b>39,365,015</b>	<b>99.3%</b>



## Appropriation Transfers

The Office of the Public Defender received \$243,703 in general fund from the Office of Budget and Program Planning (OBPP) that was provided in HB 715. The funding was provided to offset the costs of implementing the following legislation:

- HB 73 revised pay classifications of public defender employees to require that 14.00 FTE receive longevity pay. OBPP transferred \$47,333 in personal services to offset the increased costs of the agency
- HB 192 revised laws related to misdemeanor charges for violations in privacy in communications. OBPP transferred \$22,630, including \$10,552 in personal services and \$12,078 in operating expenses for an estimated increase of 62 new misdemeanor cases
- SB 114 revised statutes related to stalking and orders of protection. OBPP transferred \$70,810, including \$31,001 in personal services and \$39,809 in operating expenses for an estimated 60 new felony cases and 512 misdemeanor cases
- SB 147 revised laws concerning human trafficking and sex crimes to protect victims. OBPP transferred \$102,930 in operating expenses for an estimated one additional felony case and 14 new misdemeanor cases. OPD expended \$5,267 in operating expenses for two new cases. OPD discovered that while there was an increase in the numbers of cases for this type of crime, the majority fell under federal jurisdiction

## Other Bills

### *HB 630*

The 2021 Legislature provided OPD with \$350,00 supplemental appropriation in general fund for death penalty cases that required additional staffing and operating expenses.

### *COVID-19 Authority*

The following chart is provided to allow the legislature to examine the funding that is available to the agency for COVID-19 impacts. Administrative authority for CARES I appropriations was allocated to the agency by the Governor's Office. Administration authority is not an appropriation and thus is not included in the total appropriation authority shown on the previous page. The appropriation authority for CARES I shown below remains with the Governor's Office.

Coronavirus Stimulus Appropriations Public Defender

Stimulus Authority	Budget	FYE Expended	Percent Expended
CARES I	102,879	102,879	100.0%

OPD received \$102,879 in coronavirus relief funds to offset COVID-19 expenditures within the agency.

## HB 2 Budget Modifications

The following chart shows the HB 2 budget as passed by the legislature, including the pay plan, and the ending FYE modified budget. Net modifications to the budget include operating plan changes from one expenditure

account to another, program transfers, reorganizations, and agency transfers of authority. The **positive modifications** and **negative modifications** are shown by program, expenditure account, and fund type.

## HB 2 Modifications Public Defender

Agency Program	HB2 Budget	FYE Modified Budget	Net Modifications	
01 PUBLIC DEFENDER DIVISION	23,404,004	24,700,692	1,296,688	
02 APPELLATE DEFENDER DIVISION	2,437,340	2,327,937	-109,403	
03 CONFLICT DEFENDER DIVISION	9,019,856	7,966,807	-1,053,049	
04 CENTRAL SERVICES DIVISION	3,241,956	4,070,790	828,834	
<b>Total</b>	<b>38,103,156</b>	<b>39,066,227</b>	<b>963,071</b>	<b>963,070.77</b>

Expenditure Account	HB2 Budget	FYE Modified Budget	Net Modifications	
61000 Personal Services	27,485,156	26,616,133	-869,023	
62000 Operating Expenses	10,618,000	11,458,594	840,594	
63000 Equipment & Intangible Assets		956,310	956,310	
69000 Debt Service		35,189	35,189	

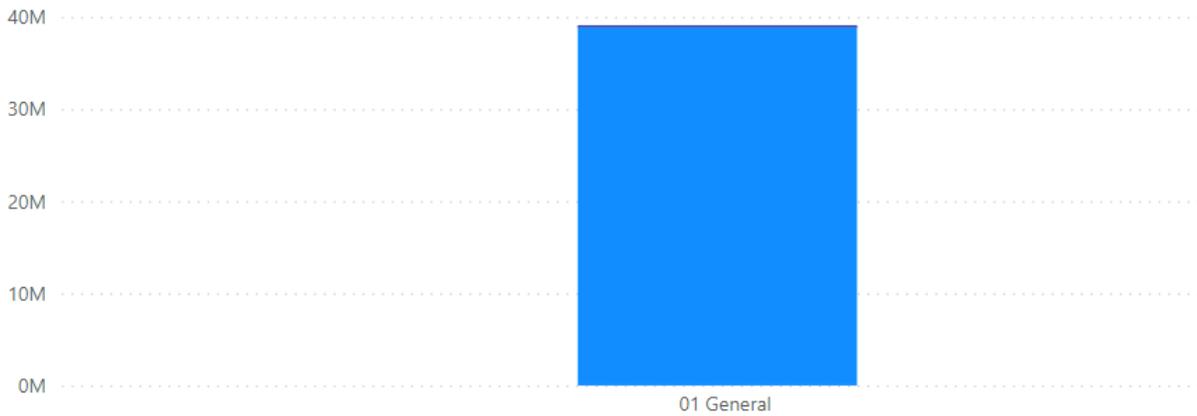
Fund Type	HB2 Budget	FYE Modified Budget	Net Modifications	
01 General	38,103,156	39,066,227	963,071	

### The Office of the Public Defender:

- Transferred \$66,029 from personal services and \$923,938 from operating expenses to provide \$956,937 in equipment and intangible assets and \$33,658 in debt service within its four programs
- Transferred \$1,312,414 in personal services to provide \$1,310,883 in operating expenses and \$1,531 in debt service within its four programs
- Transferred \$110,000 in personal services and \$1,440,000 in operating expenses out of the Conflict Defender Division to provide \$110,000 in personal services and \$400,000 in operating expenses in the Central Services Division and \$1,040,000 in the Public Defender Division in operating expenses
- Increased FY 2021 by \$963,071 for biennial appropriations that were unspent in FY 2020

## HB 2 Expenditures

● FYE Expended ● Remaining Budget



Expenditure Account	FYE Modified Budget	FYE Expended	Percent Expended
61000 Personal Services	26,616,133	26,616,133	100.0%
62000 Operating Expenses	11,458,594	11,261,343	98.3%
63000 Equipment & Intangible Assets	956,310	956,310	100.0%
69000 Debt Service	35,189	35,189	100.0%

Agency Program	FYE Modified Budget	FYE Expended	Percent Expended
01 PUBLIC DEFENDER DIVISION	24,700,692	24,533,197	99.3%
02 APPELLATE DEFENDER DIVISION	2,327,937	2,308,088	99.1%
03 CONFLICT DEFENDER DIVISION	7,966,807	7,956,900	99.9%
04 CENTRAL SERVICES DIVISION	4,070,790	4,070,790	100.0%
<b>Total</b>	<b>39,066,227</b>	<b>38,868,975</b>	<b>99.5%</b>

The Office of the Public Defender is 100.0% funded through general fund.

The four programs within OPD expended over 99.0% of the appropriated HB 2 budget including all of the personal services, equipment & intangible assets, and debt service appropriations. In addition, HB 630 enacted by the 2021 Legislature, provided a supplemental appropriation of \$350,000 in operating expenses for death penalty cases. The following divisions expended the supplemental funding:

- Public Defender Division \$94,137
- Conflict Defender Division \$255,863

## **Required Reports**

The Office of the Public Defender had transfers of personal services and operating expenses between programs, which required review by the Legislative Fiscal Division. The Legislative Fiscal Division staff reviewed the proposed transfers and had no comment on the changes.