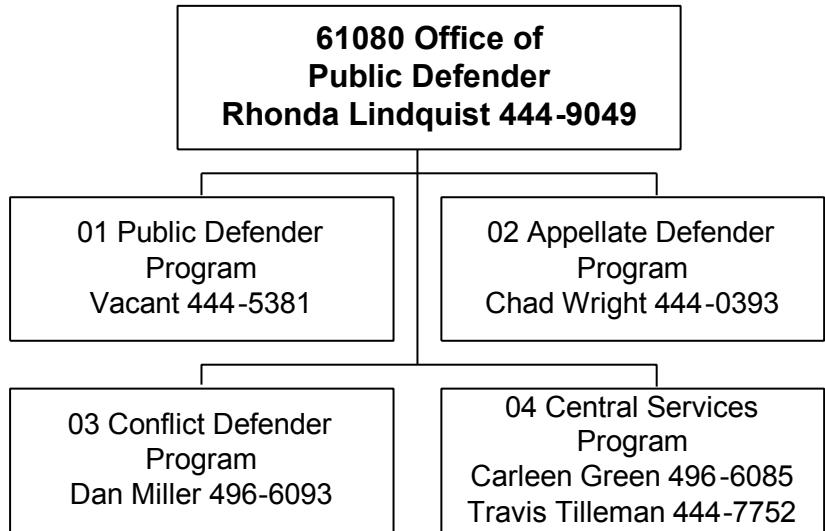


Office of State Public Defender - 61080



Mission Statement - The mission of the Office of the State Public Defender is to provide effective professional legal services with equal access to quality client-centered representation.

Statutory Authority - MCA Title 47

Agency Proposed Budget			
Budget Item	Total Exec. Budget Fiscal 2022	Total Exec. Budget Fiscal 2023	Total Exec. Budget 2023 Biennium
FTE	302.44	302.44	
Personal Services	28,421,137	28,514,552	56,935,689
Operating Expenses	12,283,050	12,275,689	24,558,739
Total Costs	\$40,704,187	\$40,790,241	\$81,494,428
General Fund	40,704,187	40,790,241	81,494,428
Total Funds	\$40,704,187	\$40,790,241	\$81,494,428

Agency Appropriated Biennium to Biennium Comparison								
Program	2021 Biennium Appropriated Budget		2023 Biennium Requested Budget		Biennium to Biennium Difference (dollars)		Biennium to Biennium Difference (percent)	
	General Fund	Total Funds	General Fund	Total Funds	General Fund	Total Funds	General Fund	Total Funds
01 - Public Defender Division	47,044,721	47,044,721	50,329,077	50,329,077	3,284,356	3,284,356	6.98 %	6.98 %
02 - Appellate Defender Division	4,831,050	4,831,050	5,117,427	5,117,427	286,377	286,377	5.93 %	5.93 %
03 - Conflict Defender Division	17,338,007	17,338,007	18,821,187	18,821,187	1,483,180	1,483,180	8.55 %	8.55 %
04 - Central Services Division	6,508,719	6,508,719	7,226,737	7,226,737	718,018	718,018	11.03 %	11.03 %
Agency Total	\$75,722,497	\$75,722,497	\$81,494,428	\$81,494,428	\$5,771,931	\$5,771,931	7.62 %	7.62 %

Office of State Public Defender - 61080

Public Defender Division - 01

**01 Public Defender Program
Vacant 444-5381**

Program Description - The Public Defender Division oversees services to qualifying clients by providing effective assistance of counsel to indigent criminal defendants and other persons in certain civil cases who are entitled by law to assistance of counsel.

Program Proposed Budget	Starting Point	Budget	Total	Budget	Total	Executive
Budget Item	Fiscal 2021	Adjustments	Exec. Budget	Adjustments	Exec. Budget	Budget Request
		Fiscal 2022	Fiscal 2022	Fiscal 2023	Fiscal 2023	2023 Biennium
FTE	230.94	0.00	230.94	0.00	230.94	
Personal Services	20,705,222	783,645	21,488,867	851,652	21,556,874	43,045,741
Operating Expenses	2,710,235	910,489	3,620,724	952,377	3,662,612	7,283,336
Total Costs	\$23,415,457	\$1,694,134	\$25,109,591	\$1,804,029	\$25,219,486	\$50,329,077
General Fund	23,415,457	1,654,134	25,109,591	1,764,029	25,219,486	50,329,077
Total Funds	\$23,415,457	\$1,654,134	\$25,109,591	\$1,764,029	\$25,219,486	\$50,329,077

Program Proposed Budget Adjustments	Budget Adjustments		Budget Adjustments	
	Fiscal 2022		Fiscal 2023	
	General Fund	Total Funds	General Fund	Total Funds
Statewide Present Law Adjustments				
SWPL - 1 - Personal Services	783,645	783,645	851,652	851,652
<i>Total Statewide Present Law Adjustments</i>	<i>\$783,645</i>	<i>\$783,645</i>	<i>\$851,652</i>	<i>\$851,652</i>
Present Law Adjustments				
PL - 1 - Lease Increases	104,181	104,181	124,010	124,010
PL - 5 - Caseload Growth	806,308	806,308	828,367	828,367
<i>Total Present Law Adjustments</i>	<i>\$910,489</i>	<i>\$910,489</i>	<i>\$952,377</i>	<i>\$952,377</i>
Total Budget Adjustments	\$1,694,134	\$1,694,134	\$1,804,029	\$1,804,029

-----**Statewide Present Law Adjustments**-----

	<u>General Fund Total</u>	<u>Total Funds</u>
FY 2022	\$783,645	\$783,645
FY 2023	\$851,652	\$851,652

SWPL - 1 - Personal Services -

The budget includes \$783,645 in FY 2020 and \$851,652 in FY 2021 to annualize various personal services costs including FY 2021 statewide pay plan, benefit rate adjustments, longevity adjustments related to incumbents in each position at the time of the snapshot and vacancy savings.

-----**Present Law Adjustments**-----

	<u>General Fund Total</u>	<u>Total Funds</u>
FY 2022	\$104,181	\$104,181
FY 2023	\$124,010	\$124,010

PL - 1 - Lease Increases -

The agency requests \$104,181 in FY 2022 and \$124,010 in FY 2023 for office lease increases in the Public Defender Division due to contractual 1.5% inflation factors.

Office of State Public Defender - 61080

Public Defender Division - 01

	<u>General Fund Total</u>	<u>Total Funds</u>
FY 2022	\$806,308	\$806,308
FY 2023	\$828,367	\$828,367

PL - 5 - Caseload Growth -

The Public Defender Division is requesting \$806,308 in FY 2022 and \$828,367 in FY 2023 due to a historical 3% caseload growth, an additional \$37,000 in each fiscal year as a result of increased costs due to changes in 45-5-220, MCA, (Stalking), and an additional \$34,000 in each fiscal year as a result of increased costs due to changes in 45-8-213, MCA, (Privacy in Communications). This request will fund contract attorney services, holistic defense services, mental health evaluations, and chemical dependency evaluations.

Office of State Public Defender - 61080

Appellate Defender Division - 02

<p>02 Appellate Defender Program Chad Wright 444-0393</p>
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Program Description - The Appellate Defender Division provides appellate services to qualifying clients and practices almost exclusively before the Montana Supreme Court and the United States Supreme Court. Most of the workforce is comprised of attorneys providing legal services. Legal assistants comprise the remaining portion of the workforce.

Program Proposed Budget	Starting Point	Budget	Total	Budget	Total	Executive
Budget Item	Fiscal 2021	Adjustments	Exec. Budget	Adjustments	Exec. Budget	Budget Request
		Fiscal 2022	Fiscal 2022	Fiscal 2023	Fiscal 2023	2023 Biennium
FTE	17.50	0.00	17.50	0.00	17.50	
Personal Services	1,751,148	1,774	1,752,922	6,124	1,757,272	3,510,194
Operating Expenses	687,064	114,915	801,979	118,190	805,254	1,607,233
Total Costs	\$2,438,212	\$116,689	\$2,554,901	\$124,314	\$2,562,526	\$5,117,427
General Fund	2,438,212	116,689	2,554,901	124,314	2,562,526	5,117,427
Total Funds	\$2,438,212	\$116,689	\$2,554,901	\$124,314	\$2,562,526	\$5,117,427

Program Proposed Budget Adjustments	Budget Adjustments		Budget Adjustments	
	Fiscal 2022		Fiscal 2023	
	General Fund	Total Funds	General Fund	Total Funds
Statewide Present Law Adjustments				
SWPL - 1 - Personal Services	1,774	1,774	6,124	6,124
<i>Total Statewide Present Law Adjustments</i>	<i>\$1,774</i>	<i>\$1,774</i>	<i>\$6,124</i>	<i>\$6,124</i>
Present Law Adjustments				
PL - 1 - Lease Increases	35,116	35,116	35,997	35,997
PL - 5 - Caseload Growth	79,799	79,799	82,193	82,193
<i>Total Present Law Adjustments</i>	<i>\$114,915</i>	<i>\$114,915</i>	<i>\$118,190</i>	<i>\$118,190</i>
Total Budget Adjustments	\$116,689	\$116,689	\$124,314	\$124,314

-----**Statewide Present Law Adjustments**-----

	<u>General Fund Total</u>	<u>Total Funds</u>
FY 2022	\$1,774	\$1,774
FY 2023	\$6,124	\$6,124

SWPL - 1 - Personal Services -

The budget includes \$1,774 in FY 2020 and \$6,124 in FY 2021 to annualize various personal services costs including FY 2021 statewide pay plan, benefit rate adjustments, longevity adjustments related to incumbents in each position at the time of the snapshot and vacancy savings.

-----**Present Law Adjustments**-----

	<u>General Fund Total</u>	<u>Total Funds</u>
FY 2022	\$35,116	\$35,116
FY 2023	\$35,997	\$35,997

PL - 1 - Lease Increases -

The agency requests \$35,116 in FY 2022 and \$35,997 in FY 2023 for office lease increases in the appellate defender division due to contractual 1.5% inflation factors.

Office of State Public Defender - 61080

Appellate Defender Division - 02

	<u>General Fund Total</u>	<u>Total Funds</u>
FY 2022	\$79,799	\$79,799
FY 2023	\$82,193	\$82,193

PL - 5 - Caseload Growth -

The Appellate Defender Division is requesting \$79,799 in FY 2022 and \$82,193 in FY 2023 due to a historical 3% caseload growth. This request will fund transcript services and contract attorney services.

Office of State Public Defender - 61080

Conflict Defender Division - 03

**03 Conflict Defender
Program
Dan Miller 496-6093**

Program Description - The Conflict Defender Division oversees services to qualifying clients by providing effective assistance of counsel to indigent criminal defendants and other persons in certain civil cases. This division represents only those clients, in circumstances where, because of a conflict of interest the public defender division is unable to provide representation.

Program Proposed Budget	Starting Point	Budget	Total	Budget	Total	Executive
Budget Item	Fiscal 2021	Adjustments	Exec. Budget	Adjustments	Exec. Budget	Budget Request
		Fiscal 2022	Fiscal 2022	Fiscal 2023	Fiscal 2023	2023 Biennium
FTE	31.00	0.00	31.00	0.00	31.00	
Personal Services	3,174,162	(38,515)	3,135,647	(26,682)	3,147,480	6,283,127
Operating Expenses	5,845,694	416,084	6,261,778	430,588	6,276,282	12,538,060
Total Costs	\$9,019,856	\$377,569	\$9,397,425	\$403,906	\$9,423,762	\$18,821,187
General Fund	9,019,856	362,569	9,397,425	388,906	9,423,762	18,821,187
Total Funds	\$9,019,856	\$362,569	\$9,397,425	\$388,906	\$9,423,762	\$18,821,187

Program Proposed Budget Adjustments	Budget Adjustments		Budget Adjustments	
	Fiscal 2022		Fiscal 2023	
	General Fund	Total Funds	General Fund	Total Funds
Statewide Present Law Adjustments				
SWPL - 1 - Personal Services	(38,515)	(38,515)	(26,682)	(26,682)
<i>Total Statewide Present Law Adjustments</i>	<i>(\$38,515)</i>	<i>(\$38,515)</i>	<i>(\$26,682)</i>	<i>(\$26,682)</i>
Present Law Adjustments				
PL - 1 - Lease Increases	118,242	118,242	123,810	123,810
PL - 5 - Caseload Growth	297,842	297,842	306,778	306,778
<i>Total Present Law Adjustments</i>	<i>\$416,084</i>	<i>\$416,084</i>	<i>\$430,588</i>	<i>\$430,588</i>
Total Budget Adjustments	\$377,569	\$377,569	\$403,906	\$403,906

-----**Statewide Present Law Adjustments**-----

	<u>General Fund Total</u>	<u>Total Funds</u>
FY 2022	(\$38,515)	(\$38,515)
FY 2023	(\$26,682)	(\$26,682)

SWPL - 1 - Personal Services -

The budget includes a reduction of \$38,515 in FY 2022 and a reduction of \$26,682 in FY 2023 to annualize various personal services costs including FY 2021 statewide pay plan, benefit rate adjustments, longevity adjustments related to incumbents in each position at the time of the snapshot, and vacancy savings.

Office of State Public Defender - 61080

Conflict Defender Division - 03

-----Present Law Adjustments-----

	<u>General Fund Total</u>	<u>Total Funds</u>
FY 2022	\$118,242	\$118,242
FY 2023	\$123,810	\$123,810

PL - 1 - Lease Increases -

The agency requests \$118,242 in FY 2022 and \$123,810 in FY 2023 for office lease increases in the conflict defender division due to contractual 1.5% inflationary adjustors.

	<u>General Fund Total</u>	<u>Total Funds</u>
FY 2022	\$297,842	\$297,842
FY 2023	\$306,778	\$306,778

PL - 5 - Caseload Growth -

The Conflict Defender Division is requesting \$297,842 in FY 2022 and \$306,778 in FY 2023 due to a historical 3% caseload growth. This request will fund contract attorney services, mental health evaluations, and chemical dependency evaluations.

Office of State Public Defender - 61080

Central Services Division - 04

**04 Central Services
Program
Carleen Green 496-6085
Travis Tilleman 444-7752**

Program Description - Central Services Division - Provides management of non-legal services, i.e., accounting, budgeting, IT, payroll, contracting, quality and performance controls to all programs. The oversight of the eligibility determination process, including verification of all hardship cases, is also a responsibility of this division.

Program Proposed Budget	Starting Point	Budget Adjustments	Total	Budget Adjustments	Total	Executive
Budget Item	Fiscal 2021	Fiscal 2022	Exec. Budget Fiscal 2022	Fiscal 2023	Exec. Budget Fiscal 2023	Budget Request 2023 Biennium
FTE	23.00	0.00	23.00	0.00	23.00	
Personal Services	1,901,957	141,744	2,043,701	150,969	2,052,926	4,096,627
Operating Expenses	1,339,999	258,570	1,598,569	191,542	1,531,541	3,130,110
Total Costs	\$3,241,956	\$400,314	\$3,642,270	\$342,511	\$3,584,467	\$7,226,737
General Fund	3,241,956	400,314	3,642,270	340,650	3,584,467	7,226,737
Total Funds	\$3,241,956	\$400,314	\$3,642,270	\$340,650	\$3,584,467	\$7,226,737

Program Proposed Budget Adjustments	Budget Adjustments Fiscal 2022		Budget Adjustments Fiscal 2023	
	General Fund	Total Funds	General Fund	Total Funds
Statewide Present Law Adjustments				
SWPL - 1 - Personal Services	141,744	141,744	150,969	150,969
SWPL - 2 - Fixed Costs	103,749	103,749	35,372	35,372
<i>Total Statewide Present Law Adjustments</i>	<i>\$245,493</i>	<i>\$245,493</i>	<i>\$186,341</i>	<i>\$186,341</i>
Present Law Adjustments				
PL - 1 - Lease Increases	35,067	35,067	36,416	36,416
PL - 3 - Case Management System	150,000	150,000	150,000	150,000
PL - 6 - Equipment Replacement	20,000	20,000	20,000	20,000
PL - 7 - Service Now Reduction	(50,246)	(50,246)	(50,246)	(50,246)
<i>Total Present Law Adjustments</i>	<i>\$154,821</i>	<i>\$154,821</i>	<i>\$156,170</i>	<i>\$156,170</i>
Total Budget Adjustments	\$400,314	\$400,314	\$342,511	\$342,511

-----**Statewide Present Law Adjustments**-----

	<u>General Fund Total</u>	<u>Total Funds</u>
FY 2022	\$141,744	\$141,744
FY 2023	\$150,969	\$150,969

SWPL - 1 - Personal Services -

The budget includes an increase of \$141,744 in FY 2022 and \$150,969 in FY 2023 to annualize various personal services costs including FY 2021 statewide pay plan, benefit rate adjustments, longevity adjustments related to incumbents in each position at the time of the snapshot, and vacancy savings.

Office of State Public Defender - 61080

Central Services Division - 04

	<u>General Fund Total</u>	<u>Total Funds</u>
FY 2022	\$103,749	\$103,749
FY 2023	\$35,372	\$35,372

SWPL - 2 - Fixed Costs -

This request includes \$103,749 in FY 2022 and \$35,372 in FY 2023 to provide funding required in the budget to pay fixed costs assessed by other agencies within state government for the services they provide. Examples of fixed costs include liability and property insurance, legislative audit, warrant writer, payroll processing and others. The rates charged for these services are approved in a separate portion of the budget.

-----**Present Law Adjustments**-----

	<u>General Fund Total</u>	<u>Total Funds</u>
FY 2022	\$35,067	\$35,067
FY 2023	\$36,416	\$36,416

PL - 1 - Lease Increases -

The agency requests \$35,067 in FY 2022 and \$36,416 in FY 2023 for office lease increases in the Central Services Division due to contractual 1.5% escalators and anticipated increases in leases due to renewal during the next biennium.

	<u>General Fund Total</u>	<u>Total Funds</u>
FY 2022	\$150,000	\$150,000
FY 2023	\$150,000	\$150,000

PL - 3 - Case Management System -

The agency's current case management system is terminating support, requiring the agency to undertake a request for proposal process. The agency is requesting \$150,000 for FY 2022 and \$150,000 for FY 2023 for the anticipated increase in the annual licensing and maintenance cost for a new case management system.

	<u>General Fund Total</u>	<u>Total Funds</u>
FY 2022	\$20,000	\$20,000
FY 2023	\$20,000	\$20,000

PL - 6 - Equipment Replacement -

The agency is requesting \$20,000 in FY 2022 and \$20,000 in FY 2023 to replace the agency's computers nearing the end of their life cycle with laptops to enable a more mobile workforce in response to the pandemic or other potential crisis situations. This request represents the difference between laptop and desktop computer replacement funding already in the base.

	<u>General Fund Total</u>	<u>Total Funds</u>
FY 2022	(\$50,246)	(\$50,246)
FY 2023	(\$50,246)	(\$50,246)

PL - 7 - Service Now Reduction -

This request reflects a reduction in the operating budget of \$50,246 in each fiscal year due to projected operating efficiencies by implementing Service Now.