

Program Biennium Comparison

The following table compares the last full fiscal year actuals, previous biennium appropriations by year, and current annual biennium budget request by type of expenditure and source of funding.

Program Biennium Comparison				
Budget Item	Appropriated Budget 20-21	Requested Budget 22-23	Biennium Change	Biennium % Change
Personal Services	39,157,053	43,045,741	3,888,688	9.93 %
Operating Expenses	7,887,668	7,283,336	(604,332)	(7.66)%
Total Expenditures	\$47,044,721	\$50,329,077	\$3,284,356	6.98 %
General Fund	47,044,721	50,329,077	3,284,356	6.98 %
Total Funds	\$47,044,721	\$50,329,077	\$3,284,356	6.98 %
Total Ongoing	\$46,647,961	\$50,329,077	\$3,681,116	7.89 %
Total OTO	\$396,760	\$0	(\$396,760)	(100.00)%

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 Highlights

Public Defender Division Major Budget Highlights
<p>The Public Defender Division 2023 biennium budget request is \$3.3 million or 7.0% higher than the 2021 biennium. Significant changes include:</p> <ul style="list-style-type: none"> • An increase of \$1.6 million over the biennium in present law adjustments for caseload growth • A request for approximately \$228,000 in present law adjustments for lease increases

Program Actuals and Budget Comparison

The following table compares FY 2020 actual expenditures to the 2021 biennium appropriated budget and the 2023 biennium budget request by type of expenditure and source of funding.

Program Actuals and Budget Comparison					
Budget Item	Actuals Fiscal 2020	Approp. Fiscal 2020	Approp. Fiscal 2021	Request Fiscal 2022	Request Fiscal 2023
FTE	0.00	230.94	230.94	230.94	230.94
Personal Services	18,367,608	18,451,831	20,705,222	21,488,867	21,556,874
Operating Expenses	4,752,928	4,946,055	2,941,613	3,620,724	3,662,612
Total Expenditures	\$23,120,536	\$23,397,886	\$23,646,835	\$25,109,591	\$25,219,486
General Fund	23,120,536	23,397,886	23,646,835	25,109,591	25,219,486
Total Funds	\$23,120,536	\$23,397,886	\$23,646,835	\$25,109,591	\$25,219,486
Total Ongoing	\$23,023,217	\$23,232,504	\$23,415,457	\$25,109,591	\$25,219,486
Total OTO	\$97,319	\$165,382	\$231,378	\$0	\$0

Program Discussion -

FY 2020 Appropriations Compared to FY 2020 Actual Expenditures

The Public Defender Division expended 98.8% of its \$23.4 million budget. Personal services were 99.5% expended or \$18.4 million of the \$18.4 million budgeted HB 2 appropriations. Operating expenses were 96.1% expended or \$4.8 million of the \$4.9 million budgeted HB 2 appropriations.

FY 2020 Appropriations Compared to FY 2021 Appropriations

FY 2020 appropriations are \$23.4 million compared to \$23.6 million, which an increase of 1.1% from FY 2020 to FY 2021. This difference is driven by changes in personal services.

Executive Request

The executive is proposing present law increases of \$1.6 million over the biennium for personal services, approximately \$228,000 for lease increases, and \$1.6 million for caseload growth.

Program Personal Services

Personal services in the Public Defender Division increase by 9.9% or \$3.9 million when compared to the 2021 biennium. Management decisions included a number of reclassified positions as well as negotiated pay scale increases for attorneys.

Funding

The following table shows proposed program funding by source of authority.

Office of State Public Defender, 01-Public Defender Division Funding by Source of Authority							
Funds	HB2 Ongoing	HB2 OTO	Non-Budgeted Proprietary	Statutory Appropriation	Total All Sources	% Total All Funds	
01100 General Fund	50,329,077	0	0	0	50,329,077	100.00 %	
State Special Total	\$0	\$0	\$0	\$0	\$0	0.00 %	
03664 Title IV-E from DPHHS	0	0	0	0	0	0.00 %	
03709 OPD Treatment Courts	0	0	0	0	0	0.00 %	
03291 COVID Relief	0	0	0	0	0	0.00 %	
Federal Special Total	\$0	\$0	\$0	\$0	\$0	0.00 %	
Proprietary Total	\$0	\$0	\$0	\$0	\$0	0.00 %	
Total All Funds	\$50,329,077	\$0	\$0	\$0	\$50,329,077		

The Public Defender Division is funded solely with general fund.

Program Budget Summary by Category

The following table summarizes the total budget by base, present law adjustments, and new proposals. For a description of these categories, please see the [glossary](#).

Budget Item	-----General Fund-----				-----Total Funds-----			
	Budget Fiscal 2022	Budget Fiscal 2023	Biennium Fiscal 22-23	Percent of Budget	Budget Fiscal 2022	Budget Fiscal 2023	Biennium Fiscal 22-23	Percent of Budget
2021 Base Budget	23,415,457	23,415,457	46,830,914	93.05 %	23,415,457	23,415,457	46,830,914	93.05 %
SWPL Adjustments	783,645	851,652	1,635,297	3.25 %	783,645	851,652	1,635,297	3.25 %
PL Adjustments	910,489	952,377	1,862,866	3.70 %	910,489	952,377	1,862,866	3.70 %
New Proposals	0	0	0	0.00 %	0	0	0	0.00 %
Total Budget	\$25,109,591	\$25,219,486	\$50,329,077		\$25,109,591	\$25,219,486	\$50,329,077	

Present Law Adjustments

The "Present Law" Adjustments table shows the changes from the base appropriation to the proposed budget. "Statewide Present Law" adjustments (DP 1, DP 2, DP 3) are standard categories of adjustments made to all agencies. Decisions on these items were applied globally to all agencies.

Present Law Adjustments	-----Fiscal 2022-----					-----Fiscal 2023-----				
	FTE	General Fund	State Special	Federal Special	Total Funds	FTE	General Fund	State Special	Federal Special	Total Funds
DP 1 - Personal Services	0.00	783,645	0	0	783,645	0.00	851,652	0	0	851,652
DP 10 - Lease Increases	0.00	104,181	0	0	104,181	0.00	124,010	0	0	124,010
DP 5 - Caseload Growth	0.00	806,308	0	0	806,308	0.00	828,367	0	0	828,367
Grand Total All Present Law Adjustments	0.00	\$1,694,134	\$0	\$0	\$1,694,134	0.00	\$1,804,029	\$0	\$0	\$1,804,029

***Total Funds" amount includes funding from sources other than General Fund, State Special, or Federal Special (i.e. Proprietary).

DP 1 - Personal Services -

The executive requests adjustments to the present law personal services budget. This request has been broken into the following categories, and further detail is shown in the agency summary:

- Expected changes
- Personal services management decisions
- Modifications made to the personal services budget in the 2021 biennium

DP 10 - Lease Increases -

The executive 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.

DP 5 - Caseload Growth -

The executive proposes \$806,308 in FY 2022 and \$828,367 in FY 2023 due to a historical 3.0% caseload growth. This includes 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.