

Board of Indigents' Defense Services

Expenditure	Actual FY 2013	Approved FY 2014	Approved FY 2015
All Funds:			
State Operations	\$ 24,289,262	\$ 25,867,618	\$ 25,719,562
Aid to Local Units	-	-	-
Other Assistance	684	-	-
<i>Subtotal - Operating</i>	<u>\$ 24,289,946</u>	<u>\$ 25,867,618</u>	<u>\$ 25,719,562</u>
Capital Improvements	-	-	-
TOTAL	<u><u>\$ 24,289,946</u></u>	<u><u>\$ 25,867,618</u></u>	<u><u>\$ 25,719,562</u></u>
State General Fund:			
State Operations	\$ 23,492,155	\$ 25,214,582	\$ 25,101,795
Aid to Local Units	-	-	-
Other Assistance	684	-	-
<i>Subtotal - Operating</i>	<u>\$ 23,492,839</u>	<u>\$ 25,214,582</u>	<u>\$ 25,101,795</u>
Capital Improvements	-	-	-
TOTAL	<u><u>\$ 23,492,839</u></u>	<u><u>\$ 25,214,582</u></u>	<u><u>\$ 25,101,795</u></u>
Percent Change:			
Operating Expenditures			
All Funds	6.8 %	6.5 %	(0.6)%
State General Fund	7.9	7.3	(0.4)
FTE Positions			
Non-FTE Unclass. Perm. Pos.	187.0	187.0	187.0
	0.5	0.5	0.5
TOTAL	<u><u>187.5</u></u>	<u><u>187.5</u></u>	<u><u>187.5</u></u>

The approved budget in FY 2014 of \$25.9 million, including \$25.2 million from the State General Fund, is an all funds increase of \$1.6 million, or 6.5 percent, from FY 2013 actual expenditures. The approved budget is a State General Fund increase of \$1.7 million, or 7.3 percent, above FY 2013 actual expenditures. The increase is attributable to expenditures for assigned counsel (\$800,000) and the supplemental recommended by the Governor and adopted by the Legislature for capital defense. The agency anticipates higher than anticipated expenditures in the trials of Phillip Cheatham, Jr. and Billy Davis, Jr. The Legislature did not provide any additional funding for possible appeals stemming from the "Hard 50" fix which arose from the 2013 Legislative Special Session. The agency has some concern that a large number of inmates may appeal their incarcerations on this basis. The Legislature chose to allow the situation to develop to determine the number of appeals actually filed.

The approved budget for FY 2015 of \$25.7 million, including \$25.1 million from the State General Fund, is an all funds decrease of \$148,056, or 0.6 percent, from the FY 2014 approved budget. The FY 2015 approved budget is a State General Fund decrease of \$112,787, or 0.4 percent, below the FY 2014 approved budget. Assigned counsel expenditures were kept flat between FY 2014 and FY 2015. The approved budget for FY 2015 continues to shift allocated funds from capital defense to general operations for the trial public defenders.

The FY 2014 and FY 2015 budgets are an increase above the FY 2013 Legislature's approved budgets of \$2.3 million and \$2.1 million respectively. The majority of the increase is due to assigned counsel expenditures and expert witness costs. The State Bar Association continues to threaten litigation on a failure to compensate assigned counsel at the statutory \$80 per hour. The current compensation rate is \$62 per hour as set by the Board of Indigents' Defense.

Board of Indigents' Defense Services

	FY 2014			FY 2015		
	SGF	All Funds	FTE	SGF	All Funds	FTE
Agency Estimate/Request	\$ 25,960,523	\$ 26,613,559	187.0	\$ 27,923,503	\$ 28,541,270	187.0
Governor's Changes:						
1. Supplemental Requests	\$ (2,405,941)	\$ (2,405,941)	-	\$ (4,878,458)	\$ (4,878,458)	-
2. Partial Assigned Counsel Consensus	1,300,000	1,300,000	-	1,300,000	1,300,000	-
3. Operational Costs	-	-	-	440,000	440,000	-
4. Capital Defense	360,000	360,000	-	220,000	220,000	-
5. 1.5 Percent Base Pay Increase	0	0	-	39,785	39,785	-
Total Governor's Recommendation	<u>\$ 25,214,582</u>	<u>\$ 25,867,618</u>	<u>187.0</u>	<u>\$ 25,044,830</u>	<u>\$ 25,662,597</u>	<u>187.0</u>
Change from Agency Est./Req.	\$ (745,941)	\$ (745,941)	0.0	\$ (2,878,673)	\$ (2,878,673)	0.0
Percent Change from Agency Est./Req.	(2.9)%	(2.8)%	0.0 %	(10.3)%	(10.1)%	0.0 %
Legislative Action:						
6. Sentencing Guideline Adjustment	\$ -	\$ -	-	\$ 50,000	\$ 50,000	-
7. 1.5 Percent Base Pay Increase	-	-	-	(39,785)	(39,785)	-
8. \$250 State Employee Bonus	-	-	-	46,750	46,750	-
TOTAL APPROVED	<u><u>\$ 25,214,582</u></u>	<u><u>\$ 25,867,618</u></u>	<u><u>187.0</u></u>	<u><u>\$ 25,101,795</u></u>	<u><u>\$ 25,719,562</u></u>	<u><u>187.0</u></u>
Change from Gov. Rec.	\$ 0	\$ 0	0.0	\$ 56,965	\$ 56,965	0.0
Percent Change from Gov. Rec.	0.0 %	0.0 %	0.0 %	0.2 %	0.2 %	0.0 %
Change from Agency Est./Req.	\$ (745,941)	\$ (745,941)	0.0	\$ (2,821,708)	\$ (2,821,708)	0.0
Percent Change from Agency Est./Req.	(2.9)%	(2.8)%	0.0 %	(10.1)%	(9.9)%	0.0 %

1. The Governor deleted \$2.4 million in FY 2014 and \$4.9 million for FY 2015 for agency supplemental requests including additional capital defense funding, defense of hard 50 litigation cases, and operational funding. The agency requested \$2.2 million in FY 2015 to return assigned counsel to a compensation rate of \$80 per hour.
2. The Governor added \$1.3 million, all from the State General Fund, in FY 2014 and for FY 2015 to partially fund assigned counsel caseloads. This is a reduction of \$100,000 in FY 2014 and \$500,000 for FY 2015 from the consensus recommendations.
3. The Governor added \$440,000, all from the State General Fund, for FY 2015 for Board of Indigents' Defense operational costs.
4. The Governor added \$360,000 in FY 2014 and \$220,000 for FY 2015, all from the State General Fund, for capital defense operational costs.
5. The Governor added \$39,785, all from the State General Fund, for a 1.5 percent base pay increase for classified employees in the Executive Branch for FY 2015.
6. The Legislature added \$50,000, all from the State General Fund, for assigned counsel expenditures incurred due to the passage of HB 2442 which changes the sentencing guidelines for individuals charged with fleeing and eluding police for FY 2015.
7. The Legislature deleted \$39,785, all from the State General Fund, for a 1.5 percent base pay increase for classified employees in the Executive Branch for FY 2015.
8. The Legislature added \$46,750, all from the State General Fund, for FY 2015 for employee bonuses of \$250 for all full-time employees except elected officials who were employed on December 6, 2013, and which will be paid on December 6, 2014.