

BOARD OF INDIGENTS' DEFENSE SERVICES

Expenditure	Actual FY 2015	Agency Est. FY 2016	Gov. Rec. FY 2016	Agency Est. FY 2017	Gov. Rec. FY 2017
Operating Expenditures:					
State General Fund	\$ 25,560,143	\$ 26,256,646	\$ 26,256,646	\$ 28,827,360	\$ 26,627,360
Other Funds	763,700	608,154	608,154	606,000	606,000
TOTAL	\$ 26,323,843	\$ 26,864,800	\$ 26,864,800	\$ 29,433,360	\$ 27,233,360
Capital Improvements:					
State General Fund	\$ 0	\$ 0	\$ 0	\$ 0	\$ 0
Other Funds	0	0	0	0	0
TOTAL	\$ 0	\$ 0	\$ 0	\$ 0	\$ 0
GRAND TOTAL	\$ 26,323,843	\$ 26,864,800	\$ 26,864,800	\$ 29,433,360	\$ 27,233,360

Percentage Change:

Operating Expenditures

State General Fund	4.8 %	2.7 %	2.7 %	9.8 %	1.4 %
All Funds	5.3	2.1	2.1	9.6	1.4
FTE Positions					
	188.5	188.5	188.5	188.5	188.5
Non-FTE Perm.Uncl.Pos.					
	0.5	0.5	0.5	0.5	0.5
TOTAL	189.0	189.0	189.0	189.0	189.0

AGENCY OVERVIEW

The Board of Indigents' Defense Services (BIDS) is the state agency tasked with providing and supervising constitutionally and statutorily-required legal services for indigents accused of felonies. The Board fulfills this mission by overseeing a statewide system of public defender offices and by compensating assigned counsel when public defenders are unavailable. The agency also serves as the pass-through agency for funding for Legal Services for Prisoners, Inc., a nonprofit corporation that provides legal assistance to indigent inmates of Kansas correctional institutions.

MAJOR ISSUES FROM PRIOR YEARS

The **2006 Legislature** approved an additional \$3.8 million, all from the State General Fund, for the agency to cover the increase in assigned counsel expenditures to correspond with the approved reimbursement increase from \$50 to \$80 per hour. A total of 9.0 additional FTE positions were also approved. The Legislature also approved an additional 4.0 FTE positions to fill the need for increased services anticipated with the passage of 2006 HB 2576, which requires mandatory sentences for sex offenders. The agency anticipated an increased need for services and that more cases proceed to trial rather than reaching a plea agreement. A total of 5.0 FTE positions were approved for additional staff needed in the Junction City, Wichita, and Hutchinson public defender offices.

The **2008 Legislature** added \$240,000, all from the State General Fund, to enhance salaries for entry level defenders and to increase salaries on a graduated scale of other defenders.

The **2009 Legislature** added \$1,271,865, all from the State General Fund, to adopt the agency's FY 2009 request in FY 2010. The agency requested enhanced funding for expert witness fees and transcript costs to avoid a shortfall. The increase was partially offset by across-the-board decreases applied to all agencies.

The **2010 Legislature** reduced the hourly rate for assigned counsel from \$80 to \$62 per hour and deleted \$947,703 from FY 2011 to accommodate the rate reduction. The rate reduction is intended to expire in FY 2013. The Legislature further deleted \$539,761 from the agency operating budget for a 2.5 percent reduction in FY 2011.

The **2011 Legislature** added \$750,000, all from the State General Fund, to offset the reduction in federal American Reinvestment and Recovery Act (ARRA) and federal Justice Assistance Grant (JAG) funds with State General Fund dollars and pay for expert witness expenditures in FY 2012.

The **2012 Legislature** added \$925,502 to fund expert and court reporter services and to fund vacant positions and provide partial funding of the agency enhancement for Public Defender pay parity with similar positions in the Executive Branch.

The **2013 Legislature** added \$553,000 in FY 2013 and \$103,000 in FY 2014 and FY 2015 to enhance funding for expert witnesses and court reporter services. The Legislature also deleted \$277,686 in FY 2014 and \$279,006 in FY 2015 to hold the agency at the FY 2013 level for salaries and wage expenditures.

The **2014 Legislature** added \$1,300,000 in FY 2014 to supplement funding for assigned counsel services. The Legislature also added \$50,000 to fund an expected increase in litigation associated with HB 2442, which changed state sentencing guidelines for individuals convicted of fleeing and eluding police.

The **2015 Legislature** added \$950,000 for FY 2016 and \$1.5 million for FY 2017, all from the State General Fund, for assigned counsel expenditures to a newly created litigation support account.

BUDGET SUMMARY AND KEY POINTS

FY 2016 – Current Year. The **agency** requests a revised estimate of \$26.9 million, including \$26.3 million from the State General Fund in FY 2016. This is an increase of \$22,887, or less than 0.1 percent, all in special revenue funds, above the FY 2016 approved amount. The special revenue increase reflects revised fee fund receipts and carry forward balances. There is also an increase of 2.0 FTE positions, which reflects the agency's actual FTE positions in FY 2015 and represents staffing necessary for the agency to continue current operations.

The **Governor** concurs with the agency's revised estimate.

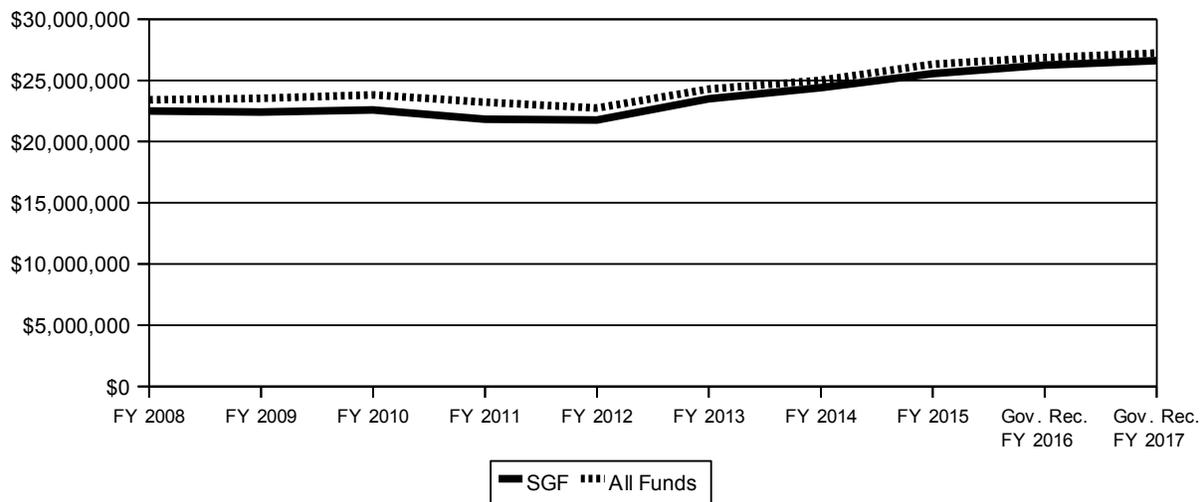
FY 2017 – Budget Year. The **agency** requests a revised estimate of \$29.4 million, including \$28.8 million from the State General Fund for FY 2017. This is an all funds increase of \$2.2 million, or 8.2 percent and a State General Fund increase of \$2.2 million, or 8.3 percent, above the FY 2017 approved amount. The increase includes \$2.2 million in supplemental requests, all from the State General Fund, for an increase to the assigned counsel hourly rate

and pay parity for public defenders. The special revenue funds increase of \$21,134 is due to revised fee fund receipts. There is also an increase of 2.0 FTE positions, which reflects the agency's actual FTE positions in FY 2015 and represents staffing necessary for the agency to continue current operations.

The **Governor** concurs with the agency's revised estimate but does not recommend the agency's supplemental requests.

BUDGET TRENDS

OPERATING EXPENDITURES FY 2008 – FY 2017



OPERATING EXPENDITURES FY 2008 – FY 2017

Fiscal Year	SGF	% Change	All Funds	% Change	FTE
2008	\$ 22,496,010	14.3 %	\$ 23,412,091	12.7 %	193.0
2009	22,416,614	(0.4)	23,534,862	0.5	195.0
2010	22,591,109	0.8	23,820,747	1.2	195.0
2011	21,826,736	(3.4)	23,225,735	(2.5)	195.0
2012	21,769,465	(0.3)	22,743,694	(2.1)	187.0
2013	23,492,839	7.9	24,289,946	6.8	187.0
2014	24,399,737	3.9	25,007,745	3.0	187.5
2015	25,560,143	4.8	26,323,843	5.3	188.5
2016 Gov. Rec.	26,256,646	2.7	26,864,800	2.1	188.5
2017 Gov. Rec.	26,627,360	1.4	27,233,360	1.4	188.5
Ten-Year Change Dollars/Percent	\$ 4,131,350	18.4 %	\$ 3,821,269	16.3 %	(4.5)

Summary of Operating Budget FY 2015 - FY 2017

Board of Indigents' Defense Services

	Actual 2015	Agency Estimate				Governor's Recommendation			
		Estimate FY 2016	Estimate FY 2017	Dollar Change from FY 16	Percent Change from FY 16	Rec. FY 2016	Rec. FY 2017	Dollar Change from FY 16	Percent Change from FY 16
By Program:									
Administration	\$ 1,305,995	\$ 902,359	\$ 884,474	\$ (17,885)	(2.0) %	\$ 902,359	\$ 884,474	\$ (17,885)	(2.0) %
Assigned Counsel	10,916,995	11,927,650	14,099,916	2,172,266	18.2	11,927,650	12,099,916	172,266	1.4
Legal Services for Prisoners	289,592	289,592	289,592	0	--	289,592	289,592	0	--
Appellate Defender	2,365,893	2,260,782	2,314,655	53,873	2.4	2,260,782	2,314,655	53,873	2.4
Trial Public Defenders	9,921,830	9,909,312	10,447,466	538,154	5.4	9,909,312	10,247,466	338,154	3.4
Capital Defense	1,523,538	1,575,105	1,397,257	(177,848)	(11.3)	1,575,105	1,397,257	(177,848)	(11.3)
TOTAL	\$ 26,323,843	\$ 26,864,800	\$ 29,433,360	\$ 2,568,560	9.6 %	\$ 26,864,800	\$ 27,233,360	\$ 368,560	1.4 %
By Major Object of Expenditure:									
Salaries and Wages	\$ 11,728,801	\$ 11,869,918	\$ 12,478,175	\$ 608,257	5.1 %	\$ 11,869,918	\$ 12,278,175	\$ 408,257	3.4 %
Contractual Services	13,944,954	14,885,032	16,845,335	1,960,303	13.2	14,885,032	14,845,335	(39,697)	(0.3)
Commodities	118,685	87,850	87,850	0	--	87,850	87,850	0	--
Capital Outlay	531,403	22,000	22,000	0	--	22,000	22,000	0	--
Debt Service	0	0	0	0	--	0	0	0	--
Subtotal - Operations	\$ 26,323,843	\$ 26,864,800	\$ 29,433,360	\$ 2,568,560	9.6 %	\$ 26,864,800	\$ 27,233,360	\$ 368,560	1.4 %
Aid to Local Units	0	0	0	0	--	0	0	0	--
Other Assistance	0	0	0	0	--	0	0	0	--
TOTAL	\$ 26,323,843	\$ 26,864,800	\$ 29,433,360	\$ 2,568,560	9.6 %	\$ 26,864,800	\$ 27,233,360	\$ 368,560	1.4 %
Financing:									
State General Fund	\$ 25,560,143	\$ 26,256,646	\$ 28,827,360	\$ 2,570,714	9.8 %	\$ 26,256,646	\$ 26,627,360	\$ 370,714	-- %
All Other Funds	763,700	608,154	606,000	(2,154)	(0.4)	608,154	606,000	(2,154)	(0.4)
TOTAL	\$ 26,323,843	\$ 26,864,800	\$ 29,433,360	\$ 2,568,560	9.6 %	\$ 26,864,800	\$ 27,233,360	\$ 368,560	-- %

BUDGET OVERVIEW

A. FY 2016 – Current Year

Adjustments to Approved State General Fund Budget

The 2015 Legislature approved a State General Fund budget of \$25,709,583 for the Board of Indigents' Defense Services in FY 2016. One adjustment has subsequently been made to that amount. This adjustment changes the current year approved amount without any legislative action required. For this agency, the following adjustment has been made:

- An increase of \$547,063, based on the reappropriation of FY 2015 funding which was not spent in FY 2015 and has shifted to FY 2016.

This adjustment changes the FY 2016 approved State General Fund to \$26,256,646. That amount is reflected in the table below as the currently approved FY 2016 State General Fund amount. The reappropriated funds will be used primarily for a recent partial restoration of the hourly rate paid to assigned counsel from \$62 per hour to \$65 per hour.

CHANGE FROM APPROVED BUDGET					
	Legislative Approved FY 2016	Agency Estimate FY 2016	Agency Change from Approved	Governor Rec. FY 2016	Governor Change from Approved
State General Fund	\$ 26,256,646	\$ 26,256,646	\$ 0	\$ 26,256,646	\$ 0
All Other Funds	585,267	608,154	22,887	608,154	22,887
TOTAL	\$ 26,841,913	\$ 26,864,800	\$ 22,887	\$ 26,864,800	\$ 22,887
FTE Positions	186.5	188.5	2.0	188.5	2.0

The **agency** requests a revised estimate of \$26.9 million, including \$26.3 million from the State General Fund. This is an increase of \$22,887, or less than 0.1 percent, all in special revenue funds, above the FY 2016 approved amount. The special revenue increase reflects revised fee fund receipts and carry forward balances. The increase includes \$2,112 from the Inservice Education Workshop Fee Fund to be used for inservice workshops and conferences and \$20,775 from the Indigents' Defense Services Fund to be used for court reporters and experts. There is also an increase of 2.0 FTE positions, which reflects the agency's actual FTE positions in FY 2015 and represents staffing necessary for the agency to continue current operations.

The **Governor** concurs with the agency's revised estimate.

B. FY 2017 – Budget Year

Adjustments to Approved State General Fund Budget

The 2015 Legislature approved a State General Fund budget of \$26,627,360 for the Board of Indigents' Defense Services in FY 2017. No adjustments have subsequently been made to that amount.

CHANGE FROM APPROVED BUDGET					
	Legislative Approved FY 2017	Agency Estimate FY 2017	Agency Change from Approved	Governor Rec. FY 2017	Governor Change from Approved
State General Fund	\$ 26,627,360	\$ 28,827,360	\$ 2,200,000	\$ 26,627,360	\$ 0
All Other Funds	584,866	606,000	21,134	606,000	21,134
TOTAL	\$ 27,212,226	\$ 29,433,360	\$ 2,221,134	\$ 27,233,360	\$ 21,134
FTE Positions	186.5	188.5	2.0	188.5	2.0

The **agency** requests a revised estimate of \$29.4 million, including \$28.8 million from the State General Fund. This is an all funds increase of \$2.2 million, or 8.2 percent and a State General Fund increase of \$2.2 million, or 8.3 percent, above the FY 2017 approved amount. The increase includes \$2.2 million in supplemental requests, all from the State General Fund, detailed below. There is also an increase of \$21,134, all in special revenue funds, due to revised fee fund receipts for the Indigents' Defense Services Fund which will be used for court reporters and experts. In addition, there is an increase of 2.0 FTE positions, which reflects the agency's actual FTE positions in FY 2015 and represents staffing necessary for the agency to continue current operations.

The **Governor** concurs with the agency's revised estimate but does not recommend the supplemental requests detailed below.

Supplemental Detail

FY 2017 SUPPLEMENTALS						
Supplementals	Agency Estimate			Governor's Recommendation		
	SGF	All Funds	FTE	SGF	All Funds	FTE
Assigned Counsel						
Hourly Rate Increase	\$ 2,000,000	\$ 0	0.0	\$ 0	\$ 0	0.0
Pay Parity for Public Defenders	200,000	0	0.0	0	0	0.0
TOTAL	\$ 2,200,000	\$ 0	0.0	\$ 0	\$ 0	0.0

The **agency** requests \$2.2 million, all from the State General Fund, for supplemental requests for FY 2017. The agency is requesting \$2.0 million in order to restore the the assigned counsel hourly rate to the full statutory rate of \$80 per hour. The reduced rate of \$62 per hour

has been paid since January 2010. The agency increased the rate to \$65 per hour effective July 1, 2015 and would resume the full statutory amount of \$80 per hour on July 1, 2016. Additional funds are required to fulfill this rate restoration.

The agency also requests \$200,000, all from the State General Fund for pay parity for public defenders for FY 2017. Currently entry level public defenders are paid \$53,000 while entry level classified attorneys within the Executive Branch are paid \$56,118. The supplemental funding would allow for pay parity among attorneys in the Executive Branch.

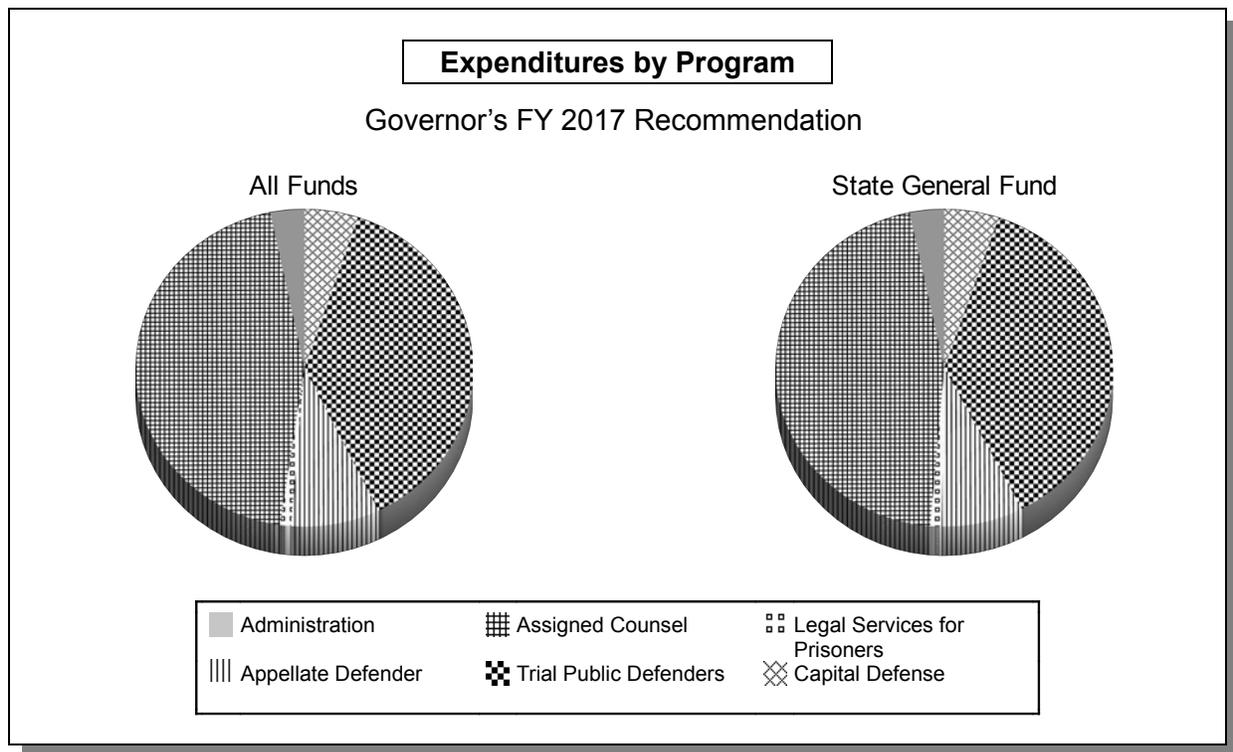
The **Governor** does not recommend the agency's supplemental requests.

Funding Sources

Funding Source	Agency Est. Percent of Total FY 2017	Gov. Rec. Percent of Total FY 2017
State General Fund	97.9 %	97.8 %
Special Revenue Funds	2.1	2.2
TOTAL	100.0 %	100.0 %

Note: Details may not add to totals due to rounding.

PROGRAM DETAIL



Program	Gov. Rec. All Funds FY 2017	Percent of Total	Gov. Rec. SGF FY 2017	Percent of Total
Administration	\$ 884,474	3.2 %	\$ 880,874	3.3 %
Assigned Counsel	12,099,916	44.4	12,080,116	45.4
Legal Services for Prisoners	289,592	1.1	289,592	1.1
Appellate Defender	2,314,655	8.5	2,090,155	7.8
Trial Public Defenders	10,247,466	37.6	9,889,366	37.1
Capital Defense	1,397,257	5.1	1,397,257	5.2
TOTAL	\$ 27,233,360	100.0 %	\$ 26,627,360	100.0 %

FTE POSITIONS BY PROGRAM FY 2015 – FY 2017					
Program	Actual FY 2015	Agency Est. FY 2016	Gov. Rec. FY 2016	Agency Est. FY 2017	Gov. Rec. FY 2017
Administration	10.0	10.0	10.0	10.0	10.0
Assigned Counsel	0.0	0.0	0.0	0.0	0.0
Legal Services for Prisoners	0.0	0.0	0.0	0.0	0.0
Appellate Defender	23.0	23.0	23.0	23.0	23.0
Trial Public Defenders	138.5	138.5	138.5	138.5	138.5
Capital Defense	17.0	17.0	17.0	17.0	17.0
TOTAL	188.5	188.5	188.5	188.5	188.5

A. Administration

The Administration program is responsible for overall agency operations and provides support for the statewide delivery of indigents' defense services. Funding is from the State General Fund, except for a small amount that is from the In-service Education Workshop Fee Fund.

ADMINISTRATION SUMMARY OF EXPENDITURES FY 2015 – FY 2017					
Item	Actual FY 2015	Agency Est. FY 2016	Gov. Rec. FY 2016	Agency Est. FY 2017	Gov. Rec. FY 2017
Expenditures:					
Salaries and Wages	\$ 597,583	\$ 629,133	\$ 629,133	\$ 650,946	\$ 650,946
Contractual Services	144,148	224,426	224,426	184,728	184,728
Commodities	46,006	26,800	26,800	26,800	26,800
Capital Outlay	518,258	22,000	22,000	22,000	22,000
Debt Service	0	0	0	0	0
<i>Subtotal - Operations</i>	<i>\$ 1,305,995</i>	<i>\$ 902,359</i>	<i>\$ 902,359</i>	<i>\$ 884,474</i>	<i>\$ 884,474</i>
Aid to Local Units	0	0	0	0	0
Other Assistance	0	0	0	0	0
TOTAL	\$ 1,305,995	\$ 902,359	\$ 902,359	\$ 884,474	\$ 884,474
Financing:					
State General Fund	\$ 1,299,166	\$ 898,759	\$ 898,759	\$ 880,874	\$ 880,874
All Other Funds	6,829	3,600	3,600	3,600	3,600
TOTAL	\$ 1,305,995	\$ 902,359	\$ 902,359	\$ 884,474	\$ 884,474
FTE Positions	10.0	10.0	10.0	10.0	10.0
Non-FTE Uncl. Perm. Pos.	0.5	0.5	0.5	0.5	0.5
TOTAL	10.5	10.5	10.5	10.5	10.5

The **agency** requests a revised estimate \$884,474, including \$880,874 from the State General Fund, for administration for FY 2017. This is an all funds decrease of \$12,273, or 1.4 percent, and a State General Fund decrease of \$8,764, or 1.0 percent, below the FY 2017 approved amount. The decrease is primarily in capital outlay (\$58,045) with an offsetting increase in contractual services (\$41,608) due to rate increases per Division of Budget indices.

The **Governor** concurs with the agency's revised request.

B. Assigned Counsel

When public defender offices cannot handle the volume of cases or when conflicts prevent public defenders from being involved, private assigned counsel is used. Assigned counsel are also used in those parts of the state where the Board has determined that the cost of a public defender office would be prohibitive. Attorneys are either selected and assigned to cases by judges or are assigned by judges from a pool of attorneys with whom the Board has negotiated contracts. When contracts are involved, the Board is able to realize a cost savings and has made a concerted effort to expand the number of assigned counsel who serve under contract. The Board believes the assigned counsel system is the most economical for rural counties and in most conflict cases. The agency supports a mixed system of assigned counsel and public defenders, with a heavier emphasis on the public defender system in serious cases or in heavy caseload areas. Beginning in FY 2006, a separate line item appropriation was made for Assigned Counsel expenditures to keep expenditures for attorneys separate from the other professional services.

ASSIGNED COUNSEL SUMMARY OF EXPENDITURES FY 2015 – FY 2017					
Item	Actual FY 2015	Agency Est. FY 2016	Gov. Rec. FY 2016	Agency Est. FY 2017	Gov. Rec. FY 2017
Expenditures:					
Salaries and Wages	\$ 0	\$ 0	\$ 0	\$ 0	\$ 0
Contractual Services	10,916,995	11,927,650	11,927,650	14,099,916	12,099,916
Commodities	0	0	0	0	0
Capital Outlay	0	0	0	0	0
Debt Service	0	0	0	0	0
<i>Subtotal - Operations</i>	<u>\$ 10,916,995</u>	<u>\$ 11,927,650</u>	<u>\$ 11,927,650</u>	<u>\$ 14,099,916</u>	<u>\$ 12,099,916</u>
Aid to Local Units	0	0	0	0	0
Other Assistance	0	0	0	0	0
TOTAL	<u>\$ 10,916,995</u>	<u>\$ 11,927,650</u>	<u>\$ 11,927,650</u>	<u>\$ 14,099,916</u>	<u>\$ 12,099,916</u>
Financing:					
State General Fund	\$ 10,675,930	\$ 11,907,808	\$ 11,907,808	\$ 14,080,116	\$ 12,080,116
All Other Funds	241,065	19,842	19,842	19,800	19,800
TOTAL	<u>\$ 10,916,995</u>	<u>\$ 11,927,650</u>	<u>\$ 11,927,650</u>	<u>\$ 14,099,916</u>	<u>\$ 12,099,916</u>
FTE Positions	0.0	0.0	0.0	0.0	0.0
Non-FTE Uncl. Perm. Pos.	0.0	0.0	0.0	0.0	0.0
TOTAL	<u>0.0</u>	<u>0.0</u>	<u>0.0</u>	<u>0.0</u>	<u>0.0</u>

The **agency** requests a revised estimate of \$14.1 million, including \$14.1 million from the State General Fund, for assigned counsel for FY 2017. This is an all funds increase of \$2.2 million, or 18.1 percent, and a State General Fund increase of \$2.5 million, or 21.8 percent, above the FY 2017 approved amount. The increase includes \$2.2 million for the supplemental request for restoration of the statutory payment rate for assigned counsel of \$80 per hour. The increase also includes the carry over of \$254,602 in assigned counsel claims from FY 2015 which could not be paid due to the early closure of accounts.

The **Governor** concurs with the agency's revised base request but does not recommend the \$2.0 million supplemental request.

Consensus Caseload Estimates

During the fall of 2015, the agency, the Division of Budget, and the Legislative Research Department developed a caseload estimate for the Assigned Counsel program. The caseload estimate for FY 2016 is \$10.1 million, all from the State General Fund. This is the same as the FY 2016 approved amount and includes a reappropriation amount of \$11,737. The caseload estimate for FY 2017 is \$10.1 million, all from the State General Fund, the same as the FY 2017 approved amount. The caseload estimates have remained unchanged for FY 2015, FY 2016, and FY 2017 and will be revisited in the spring of 2016.

In FY 2015, a Litigation Support Fund was created and can be used for assigned counsel expenditures. Appropriations for this newly created fund include \$315,955 in FY 2015, \$950,000 in FY 2016, and \$1.5 million for FY 2017, all from the State General Fund. The FY 2015 amount has been reappropriated for FY 2016.

The caseload estimates continue the reduction in the pay rates established for Assigned Counsel from \$80 per hour to \$62 per hour. The rate reductions do not impact fees charged by assigned counsel for costs incurred, transcripts, expert witnesses, or travel. The rate reduction was reevaluated by the agency in FY 2015 and a partial restoration from \$62 per hour to \$65 per hour began at the beginning of FY 2016. The agency plans to complete restoration from \$65 per hour to \$80 per hour beginning in FY 2017.

The **Governor** concurs with the caseload estimates for FY 2016 and FY 2017 and further recommends the agency increases the hourly rate restoration incrementally, over a period of years, as opposed to raising the rate from \$65 per hour in FY 2016 to \$80 per hour in FY 2017.

The caseloads for the Assigned Counsel program were estimated without factoring in overflow cases from Legal Services for Prisoners. BIDS is statutorily required to compensate attorneys for work on these cases regardless of the funding level for Legal Services for Prisoners (KSA 44-4503, Attorney General Opinion 97-71).

C. Legal Services for Prisoners

Legal Services for Prisoners, Inc., is a non-profit corporation organized to provide legal assistance to indigent inmates of Kansas correctional institutions. The Board of Indigents' Defense Services is a pass-through agency for funding purposes and has no administrative or policy control over the corporation. The corporation is governed by a board comprised of a representative of each of the Kansas law schools, four representatives of the Kansas Bar Association, one representative of the Kansas Trial Judges Association, and the Judicial

Administrator of the Court. Expenditures for the corporation are from the State General Fund. Legal Services for Prisoners has an office in Topeka and offices in the correctional facilities located in Lansing and El Dorado. These offices also provide assistance to inmates at correctional facilities located in Winfield, Larned, Wichita, Ellsworth, Norton, and Osawatomie.

LEGAL SERVICES FOR PRISONERS SUMMARY OF EXPENDITURES FY 2015 – FY 2017					
Item	Actual FY 2015	Agency Est. FY 2016	Gov. Rec. FY 2016	Agency Est. FY 2017	Gov. Rec. FY 2017
Expenditures:					
Salaries and Wages	\$ 0	\$ 0	\$ 0	\$ 0	\$ 0
Contractual Services	289,592	289,592	289,592	289,592	289,592
Commodities	0	0	0	0	0
Capital Outlay	0	0	0	0	0
Debt Service	0	0	0	0	0
<i>Subtotal - Operations</i>	<i>\$ 289,592</i>				
Aid to Local Units	0	0	0	0	0
Other Assistance	0	0	0	0	0
TOTAL	<u>\$ 289,592</u>				
Financing:					
State General Fund	\$ 289,592	\$ 289,592	\$ 289,592	\$ 289,592	\$ 289,592
All Other Funds	0	0	0	0	0
TOTAL	<u>\$ 289,592</u>				
FTE Positions	0.0	0.0	0.0	0.0	0.0
Non-FTE Uncl. Perm. Pos.	0.0	0.0	0.0	0.0	0.0
TOTAL	<u>0.0</u>	<u>0.0</u>	<u>0.0</u>	<u>0.0</u>	<u>0.0</u>

The **agency** requests a revised estimate of \$289,592, all from the State General Fund, for Legal Service for Prisoner for FY 2017. There is no change from the FY 2017 approved amount.

The **Governor** concurs with the agency's revised estimate.

D. Appellate Defender

The Appellate Defender Office is a statewide office located in Topeka that represents indigent felony defendants on appeal. Funding for death penalty appeals handled by the Appellate Defender's Office is included in the budget for the Death Penalty Defense Unit. The office makes use of paralegals and law school interns.

**APPELLATE DEFENDER
SUMMARY OF EXPENDITURES FY 2015 – FY 2017**

Item	Actual FY 2015	Agency Est. FY 2016	Gov. Rec. FY 2016	Agency Est. FY 2017	Gov. Rec. FY 2017
Expenditures:					
Salaries and Wages	\$ 1,676,227	\$ 1,576,232	\$ 1,576,232	\$ 1,630,105	\$ 1,630,105
Contractual Services	676,154	677,100	677,100	677,100	677,100
Commodities	9,979	7,450	7,450	7,450	7,450
Capital Outlay	3,533	0	0	0	0
Debt Service	0	0	0	0	0
<i>Subtotal - Operations</i>	<u>\$ 2,365,893</u>	<u>\$ 2,260,782</u>	<u>\$ 2,260,782</u>	<u>\$ 2,314,655</u>	<u>\$ 2,314,655</u>
Aid to Local Units	0	0	0	0	0
Other Assistance	0	0	0	0	0
TOTAL	<u>\$ 2,365,893</u>	<u>\$ 2,260,782</u>	<u>\$ 2,260,782</u>	<u>\$ 2,314,655</u>	<u>\$ 2,314,655</u>
Financing:					
State General Fund	\$ 2,143,612	\$ 2,036,282	\$ 2,036,282	\$ 2,090,155	\$ 2,090,155
All Other Funds	222,281	224,500	224,500	224,500	224,500
TOTAL	<u>\$ 2,365,893</u>	<u>\$ 2,260,782</u>	<u>\$ 2,260,782</u>	<u>\$ 2,314,655</u>	<u>\$ 2,314,655</u>
FTE Positions	23.0	23.0	23.0	23.0	23.0
Non-FTE Uncl. Perm. Pos.	0.0	0.0	0.0	0.0	0.0
TOTAL	<u>23.0</u>	<u>23.0</u>	<u>23.0</u>	<u>23.0</u>	<u>23.0</u>

The **agency** requests a revised estimate of \$2.3 million, including \$2,1 million from the State General Fund, for the appellate defender program for FY 2017. This is an all funds increase of \$14,382, or 0.6 percent, and a State General Fund decrease of \$80,439, or 3.7 percent, from the FY 2017 approved amount. The increase is primarily in salaries and wages (\$80,515) with an offsetting decrease in contractual services (\$63,087).

The **Governor** concurs with the agency's revised request.

E. Trial Public Defenders

Public defender offices are located around the state and provide services in counties to indigents on a regional basis. A particular effort has been made to expand the geographic area served by each public defender office. Offices are located in Topeka, Junction City, Salina, Wichita, Johnson County, Garden City, Hutchinson, and Chanute. There are two conflicts offices; including, the Northeast Kansas Conflict Office in Topeka and the Sedgwick County Conflicts Office in Wichita. The Conflict Offices becomes involved in conflicts cases when there are multiple indigent defendants and one of the defendants is already being represented by a public defender or assigned counsel. Former Public Defender offices which have been closed are the Johnson County satellite office in Miami County and the Southwest Public Defender Office in Liberal.

**TRIAL PUBLIC DEFENDERS
SUMMARY OF EXPENDITURES FY 2015 – FY 2017**

Item	Actual FY 2015	Agency Est. FY 2016	Gov. Rec. FY 2016	Agency Est. FY 2017	Gov. Rec. FY 2017
Expenditures:					
Salaries and Wages	\$ 8,446,115	\$ 8,418,549	\$ 8,418,549	\$ 8,906,762	\$ 8,706,762
Contractual Services	1,410,839	1,444,763	1,444,763	1,494,704	1,494,704
Commodities	55,535	46,000	46,000	46,000	4,600
Capital Outlay	9,341	0	0	0	0
Debt Service	0	0	0	0	0
<i>Subtotal - Operations</i>	<u>\$ 9,921,830</u>	<u>\$ 9,909,312</u>	<u>\$ 9,909,312</u>	<u>\$ 10,447,466</u>	<u>\$ 10,206,066</u>
Aid to Local Units	0	0	0	0	0
Other Assistance	0	0	0	0	0
TOTAL	<u>\$ 9,921,830</u>	<u>\$ 9,909,312</u>	<u>\$ 9,909,312</u>	<u>\$ 10,447,466</u>	<u>\$ 10,206,066</u>
Financing:					
State General Fund	\$ 9,655,750	\$ 9,549,100	\$ 9,549,100	\$ 10,089,366	\$ 9,889,366
All Other Funds	266,080	360,212	360,212	358,100	358,100
TOTAL	<u>\$ 9,921,830</u>	<u>\$ 9,909,312</u>	<u>\$ 9,909,312</u>	<u>\$ 10,447,466</u>	<u>\$ 10,247,466</u>
FTE Positions	138.5	138.5	138.5	138.5	138.5
Non-FTE Uncl. Perm. Pos.	0.0	0.0	0.0	0.0	0.0
TOTAL	<u>138.5</u>	<u>138.5</u>	<u>138.5</u>	<u>138.5</u>	<u>138.5</u>

The **agency** requests a revised estimate of \$10.4 million, including \$10.1 million from the State General Fund, for trial public defenders for FY 2017. This is an all funds increase of \$58,205, or 0.6 percent, and a State General Fund decrease of \$258,913, or 2.5 percent, from the FY 2017 approved amount. The increase is primarily in salaries and wages (\$52,105).

The **Governor** concurs with the agency's revised estimate, but does not recommend the \$200,000 supplemental request. The agency included this request in the Assigned Counsel program in section B above.

F. Capital Defense

Capital Defense represents individuals charged with capital cases, administers a system by which courts may appoint qualified attorneys to represent indigents charged with capital offenses, serves as a resource for attorneys assigned to capital cases, develops training programs and materials for persons involved in capital cases, maintains statistical records about the use of capital punishment, and provides expert and investigative services to trial counsel in capital cases. Expenditures for the unit include costs of in-house defense, contracts with private attorneys in conflict cases or because of staff overload, and costs associated with capital cases on appeal.

According to the agency, attorneys can only defend capital cases when they meet the standards set by the American Bar Association. Previously, that standard included the requirement that an attorney have previously handled a death penalty case as a second chair. That standard was changed. Currently attorneys are qualified to defend a capital case when they have: (1) experience defending homicide cases to a jury, and (2) taken specific continuing legal education course work on capital defense.

**CAPITAL DEFENSE
SUMMARY OF EXPENDITURES FY2015 – FY 2017**

Item	Actual FY 2015	Agency Est. FY 2016	Gov. Rec. FY 2016	Agency Est. FY 2017	Gov. Rec. FY 2017
Expenditures:					
Salaries and Wages	\$ 1,008,876	\$ 1,246,004	\$ 1,246,004	\$ 1,290,362	\$ 1,290,362
Contractual Services	507,226	321,501	321,501	99,295	99,295
Commodities	7,165	7,600	7,600	7,600	7,600
Capital Outlay	271	0	0	0	0
Debt Service	0	0	0	0	0
<i>Subtotal - Operations</i>	<u>\$ 1,523,538</u>	<u>\$ 1,575,105</u>	<u>\$ 1,575,105</u>	<u>\$ 1,397,257</u>	<u>\$ 1,397,257</u>
Aid to Local Units	0	0	0	0	0
Other Assistance	0	0	0	0	0
TOTAL	<u>\$ 1,523,538</u>	<u>\$ 1,575,105</u>	<u>\$ 1,575,105</u>	<u>\$ 1,397,257</u>	<u>\$ 1,397,257</u>
Financing:					
State General Fund	\$ 1,496,093	\$ 1,575,105	\$ 1,575,105	\$ 1,397,257	\$ 1,397,557
All Other Funds	27,445	0	0	0	0
TOTAL	<u>\$ 1,523,538</u>	<u>\$ 1,575,105</u>	<u>\$ 1,575,105</u>	<u>\$ 1,397,257</u>	<u>\$ 1,397,557</u>
FTE Positions	17.0	17.0	17.0	17.0	17.0
Non-FTE Uncl. Perm. Pos.	0.0	0.0	0.0	0.0	0.0
TOTAL	<u>17.0</u>	<u>17.0</u>	<u>17.0</u>	<u>17.0</u>	<u>17.0</u>

The **agency** requests a revised estimate of \$1.4 million, all from the State General Fund, for capital defense for FY 2017. This is an all funds increase of \$4,904, or 0.4 percent and a State General Fund increase of \$25,000, or 1.8 percent, above the FY 2017 approved amount. The increase is primarily in salaries and wages (\$57,367) with an offsetting decrease in contractual services (\$53,863).

The **Governor** concurs with the agency's revised estimate.

PERFORMANCE MEASURES				
Measure	Gov. Rec. for FY 2015	Actual FY 2015	Gov. Rec. FY 2016	Gov. Rec. FY 2017
Number of Continuing Legal Education programs offered to panel attorneys	2	2	2	2
Total assigned counsel cases	13,000	14,854	14,854	14,854
Total public defender cases	13,500	14,077	14,781	15,520