

Department of Planning and Budget 2008 Fiscal Impact Statement

1. Bill Number: SB610ER

House of Origin ☐ Introduced ☐ Substitute ☐ Engrossed
Second House ☐ In Committee ☐ Substitute ☒ Enrolled

2. Patron: Stolle

3. Committee: Passed Both Houses

4. Title: Compensation of court-appointed counsel; juvenile offenders

5. Summary: Provides that court-appointed counsel who are appointed to defend a juvenile in district court for an offense that would be a felony if committed by an adult may request a waiver on the compensation cap up to certain specified amounts depending on the charges being defended when the effort expended, the time reasonably necessary for the particular representation, the novelty and difficulty of the issues, or other circumstances warrant such a waiver. The maximum amount court appointed counsel can receive for these types cases is presently set at \$240, which includes a \$120 waiver. This legislation raises the waiver up to \$650 for those felonies punishable by more than 20 years.

6. Fiscal Impact Estimates: Final (see Item 8)

6a. Expenditure Impact:

<i>Fiscal Year</i>	<i>Dollars</i>	<i>Positions</i>	<i>Fund</i>
2009	\$548,020	0	General Fund
2010	\$559,680	0	General Fund
2011	\$573,672	0	General Fund
2012	\$588,014	0	General Fund
2013	\$602,714	0	General Fund
2014	\$617,782	0	General Fund

7. Budget Amendment Necessary: No

8. Fiscal Implications: This bill would allow court-appointed counsel to apply for a waiver of the current statutory charge of \$120 for juvenile cases that would be classified as felonies if committed by an adult. According to the Supreme Court, based on the projected average rate and the projected number of charges, an additional \$548,020 would be needed for FY09 and an additional \$559,680 would be needed for FY10 to properly fund the Criminal Fund to handle these cases. The models used by the Supreme Court do not go beyond FY10 so the amounts in the table above for FY11 through FY14 assume a 2.5 percent increase over the previous years need.

The Governor's introduced budget, constructed with the assumption the maximum allowed for serious felonies would be \$1,235 as it is for adults, included \$1 million each year of the

biennium to provide waivers in atypical cases. The Senate budget included \$1 million whereas the House budget recommended no funding for juvenile waivers.

9. Specific Agency or Political Subdivisions Affected: Courts

10. Technical Amendment Necessary: No

11. Other Comments: None

Date: 4/1/2008 dpb

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