

Department of Planning and Budget 2008 Fiscal Impact Statement

1. Bill Number: HB536

House of Origin X Introduced Substitute Engrossed
Second House In Committee Substitute Enrolled

2. Patron: Peace

3. Committee: House Courts of Justice

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 amounts of the waivers allowed are fixed at the level of the compensation cap for defending adults of the same crimes in circuit court.

6. Fiscal Impact Estimates: Preliminary

6a. Expenditure Impact:

| <i>Fiscal Year</i> | <i>Dollars</i> | <i>Positions</i> | <i>Fund</i> |
|--------------------|----------------|------------------|--------------|
| 2009 | \$1,000,000 | 0 | General Fund |
| 2010 | \$1,000,000 | 0 | General Fund |
| 2011 | \$1,000,000 | 0 | General Fund |
| 2012 | \$1,000,000 | 0 | General Fund |
| 2013 | \$1,000,000 | 0 | General Fund |
| 2014 | \$1,000,000 | 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. According to the Supreme Court, based on the projected average rate and the projected number of charges, an additional \$2,052,160 would be needed for FY09 and an additional \$2,280,830 would be needed for FY10 to properly fund the Criminal Fund to handle all the cases that could be eligible for a waiver request. The Governor's introduced budget contains \$1,000,000 each year of the biennium to provide waivers in atypical cases.

9. Specific Agency or Political Subdivisions Affected: Juvenile and Domestic Relations Courts, District Courts and Supreme Court

10. Technical Amendment Necessary: No

11. Other Comments: Same as SB610

Date: 2/1/2008 dpb

Document: G:\FIS 2008\HB536.Doc Reginald Thompson