

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 305

BY APPROPRIATIONS COMMITTEE

AN ACT

1 APPROPRIATING MONEYS TO THE OFFICE OF THE STATE APPELLATE PUBLIC DEFENDER
2 FOR FISCAL YEAR 2018; LIMITING THE NUMBER OF FULL-TIME EQUIVALENT POSI-
3 TIONS; PROVIDING LEGISLATIVE INTENT FOR THE PAYMENT OF OUTSIDE COUNSEL
4 COSTS; PROVIDING LEGISLATIVE INTENT FOR THE PAYMENT OF CAPITAL REPRE-
5 SENTATION COSTS; AND PROVIDING FOR A CASH TRANSFER.
6

7 Be It Enacted by the Legislature of the State of Idaho:

8 SECTION 1. There is hereby appropriated to the Office of the State Ap-
9 pellate Public Defender, the following amounts to be expended according to
10 the designated programs and expense classes, from the listed funds for the
11 period July 1, 2017, through June 30, 2018:

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	TOTAL	
12				
13				
14				
15	I. OFFICE OF STATE APPELLATE PUBLIC DEFENDER:			
16	FROM:			
17	General			
18	Fund	\$2,314,000	\$224,500	\$2,538,500
19	II. CAPITAL AND CONFLICT REPRESENTATION:			
20	FROM:			
21	General			
22	Fund		\$350,700	\$350,700
23	GRAND TOTAL	\$2,314,000	\$575,200	\$2,889,200

24 SECTION 2. FTP AUTHORIZATION. In accordance with Section 67-3519,
25 Idaho Code, the Office of the State Appellate Public Defender is authorized
26 no more than twenty-three (23) full-time equivalent positions at any point
27 during the period July 1, 2017, through June 30, 2018, unless specifically
28 authorized by the Governor. The Joint Finance-Appropriations Committee
29 will be notified promptly of any increased positions so authorized.

30 SECTION 3. OUTSIDE COUNSEL COSTS. Of the amount appropriated in Section
31 1 of this act, \$207,500 from the General Fund, or so much thereof as is nec-
32 essary, shall be used solely to pay outside counsel for noncapital appeals
33 in which a conflict of interest is identified and only to the extent such
34 costs are exclusive of, and can be identified and accounted for separately
35 and distinctly from, capital representation costs and the operating, per-

1 sonnel and capital outlay costs of the Office of the State Appellate Public
2 Defender program. Any remaining unexpended and unencumbered amounts not so
3 used shall revert to the General Fund.

4 SECTION 4. CAPITAL REPRESENTATION COSTS. Of the amount appropriated in
5 Section 1 of this act, \$143,200 from the General Fund, or so much thereof as
6 is necessary, shall be used solely for costs directly related to the provi-
7 sion of representation in capital cases and only to the extent such costs are
8 exclusive of, and can be identified and accounted for separately and dis-
9 tinctly from, outside counsel costs of noncapital appeals and the operating,
10 personnel and capital outlay costs of the Office of the State Appellate Pub-
11 lic Defender program. Such costs may include, but are not limited to, con-
12 sultation with experts; travel, lodging, and per diem for expert and lay wit-
13 nesses; depositions; investigation; employee travel associated with wit-
14 ness interviews; court reporting and transcription services; expert witness
15 fees; outside counsel in the event of a conflict of interest; and preparation
16 of trial exhibits. Any remaining unexpended and unencumbered amounts not so
17 used shall revert to the General Fund.

18 SECTION 5. CASH TRANSFER. There is hereby appropriated and the State
19 Controller shall transfer \$24,700 from the Miscellaneous Revenue Fund
20 within the Office of the State Appellate Public Defender, or the balance
21 thereof, to the Miscellaneous Revenue Fund within the Division of Financial
22 Management on July 1, 2017, or as soon thereafter as practicable, for the
23 period July 1, 2017, through June 30, 2018.