

COMMITTEE ON LEGISLATIVE RESEARCH  
OVERSIGHT DIVISION

**FISCAL NOTE**

L.R. No.: 5131H.01I  
 Bill No.: HB 2382  
 Subject: Attorneys; Courts  
 Type: Original  
 Date: February 7, 2024

Bill Summary: This proposal modifies provisions relating to funding for the Office of State Public Defender.

**FISCAL SUMMARY**

<b>ESTIMATED NET EFFECT ON GENERAL REVENUE FUND</b>			
FUND AFFECTED	FY 2025	FY 2026	FY 2027
<b>Total Estimated Net Effect on General Revenue</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

<b>ESTIMATED NET EFFECT ON OTHER STATE FUNDS</b>			
FUND AFFECTED	FY 2025	FY 2026	FY 2027
Public Defender-Federal and Other Fund*	\$0 to Unknown	\$0 to Unknown	\$0 to Unknown
<b>Total Estimated Net Effect on <u>Other</u> State Funds</b>	<b>\$0 to Unknown</b>	<b>\$0 to Unknown</b>	<b>\$0 to Unknown</b>

\*Officials from the Office of the State Public Defender (SPD) assume having a dedicated fund for donations (instead of to the General Revenue Fund) will allow them to solicit and collect donations and/or grants. Oversight assumes since a minimal amount of donations have historically been made to the General Revenue Fund for the SPD, this proposal will have no direct fiscal impact on the General Revenue Fund. Oversight assumes this will not meet the \$250,000 threshold.

Numbers within parentheses: () indicate costs or losses.

<b>ESTIMATED NET EFFECT ON FEDERAL FUNDS</b>			
<b>FUND AFFECTED</b>	<b>FY 2025</b>	<b>FY 2026</b>	<b>FY 2027</b>
<b>Total Estimated Net Effect on <u>All</u> Federal Funds</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

<b>ESTIMATED NET EFFECT ON FULL TIME EQUIVALENT (FTE)</b>			
<b>FUND AFFECTED</b>	<b>FY 2025</b>	<b>FY 2026</b>	<b>FY 2027</b>
<b>Total Estimated Net Effect on FTE</b>	<b>0</b>	<b>0</b>	<b>0</b>

- Estimated Net Effect (expenditures or reduced revenues) expected to exceed \$250,000 in any of the three fiscal years after implementation of the act or at full implementation of the act.
- Estimated Net Effect (savings or increased revenues) expected to exceed \$250,000 in any of the three fiscal years after implementation of the act or at full implementation of the act.

<b>ESTIMATED NET EFFECT ON LOCAL FUNDS</b>			
<b>FUND AFFECTED</b>	<b>FY 2025</b>	<b>FY 2026</b>	<b>FY 2027</b>
<b>Local Government</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

## FISCAL ANALYSIS

### ASSUMPTION

#### §600.042 – Public Defender funding

Officials from the **Office of the State Public Defender (SPD)** state the proposed legislation amending section 600.042 would allow SPD to receive gifts and grants in a specified public defender fund up to the currently authorized amount of \$1,250,000. It is unknown how much would be received within a fiscal year.

A minimal amount of donations have been made to General Revenue using this statute. SPD has solicited grants from Americorp Vista for in-kind donations and would like to solicit grants from the DOJ if the Quality Defense Act is passed. That legislation authorizes substantial grants for public defender organizations that have completed workload studies and are working to establish appropriate workloads. SPD would also investigate other grant funding available. The fiscal impact on GR would be minimal, as no funds have been deposited in GR as a result of the current statute.

**Oversight** assumes since no material amount of donations have been received by General Revenue through this statute, changing the designation to the new Public Defender – Federal and Other Fund would not create a material direct fiscal impact to the state.

Officials from the **Office of the State Treasurer (STO)** state the STO does not collect and deposit monies for individual state funds that are administered and managed by other state agencies. The Treasurer's Office holds and invests monies deposited by agencies and tracks monies by fund. The STO would require one (1) FTE (a Treasury Coordinator at \$36,000) to handle the potential activity.

**Oversight** assumes the STO is provided with core funding to handle a certain amount of activity each year. Oversight assumes the STO could absorb the costs/duties related to this proposal. If multiple bills pass which require additional staffing and duties at substantial costs, the STO could request funding through the appropriation process.

Officials from the **Office of Administration - Budget and Planning** assume the proposal will have no fiscal impact on their organization. **Oversight** does not have any information to the contrary. Therefore, Oversight will reflect a zero impact in the fiscal note.

<u>FISCAL IMPACT – State Government</u>	FY 2025 (10 Mo.)	FY 2026	FY 2027
<b>PUBLIC DEFENDER – FEDERAL AND OTHER FUND</b>			
<u>Income</u> - (\$600.042) Government grants, private gifts, donations, and bequests made to the Office of the Public Defender	<u>\$0 to Unknown</u>	<u>\$0 to Unknown</u>	<u>\$0 to Unknown</u>
<b>ESTIMATED NET EFFECT TO THE PUBLIC DEFENDER – FEDERAL AND OTHER FUND</b>	<b><u>\$0 to Unknown</u></b>	<b><u>\$0 to Unknown</u></b>	<b><u>\$0 to Unknown</u></b>

<u>FISCAL IMPACT – Local Government</u>	FY 2025 (10 Mo.)	FY 2026	FY 2027
	<b><u>\$0</u></b>	<b><u>\$0</u></b>	<b><u>\$0</u></b>

FISCAL IMPACT – Small Business

No direct fiscal impact to small businesses would be expected as a result of this proposal.

FISCAL DESCRIPTION

Currently, any funds available from government grants, private gifts, donations, bequests, or other sources made to the Office of the Public Defender are deposited into the General Revenue Fund. This bill creates the "Public Defender - Federal and Other Fund" and provides that funding from any government grants, private gifts, donations, bequests, or other sources shall be deposited into such fund.

This legislation is not federally mandated, would not duplicate any other program and would not require additional capital improvements or rental space.

L.R. No. 5131H.011

Bill No. HB 2382

Page 5 of 5

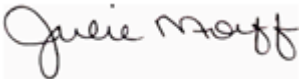
February 7, 2024

SOURCES OF INFORMATION

Office of Administration - Budget and Planning

Office of the State Public Defender

Office of the State Treasurer



Julie Morff

Director

February 7, 2024



Ross Strobe

Assistant Director

February 7, 2024