

## Board of Indigents' Defense Services

Expenditure	Actual FY 2021	Approved FY 2022	Approved FY 2023
<b>All Funds:</b>			
State Operations	\$ 30,712,741	\$ 39,104,317	\$ 46,971,555
Aid to Local Units	-	-	-
Other Assistance	-	-	-
<i>Subtotal - Operating</i>	<u>\$ 30,712,741</u>	<u>\$ 39,104,317</u>	<u>\$ 46,971,555</u>
Capital Improvements	-	-	-
<b>TOTAL</b>	<b><u>\$ 30,712,741</u></b>	<b><u>\$ 39,104,317</u></b>	<b><u>\$ 46,971,555</u></b>
<b>State General Fund:</b>			
State Operations	\$ 29,707,199	\$ 38,490,568	\$ 46,365,555
Aid to Local Units	-	-	-
Other Assistance	-	-	-
<i>Subtotal - Operating</i>	<u>\$ 29,707,199</u>	<u>\$ 38,490,568</u>	<u>\$ 46,365,555</u>
Capital Improvements	-	-	-
<b>TOTAL</b>	<b><u>\$ 29,707,199</u></b>	<b><u>\$ 38,490,568</u></b>	<b><u>\$ 46,365,555</u></b>
<b>Percent Change:</b>			
Operating Expenditures			
All Funds	(5.1)%	27.3 %	20.1 %
State General Fund	(4.7)	29.6	20.5
FTE Positions	201.8	244.3	244.3

The approved budget for the Board of Indigents' Defense Services in FY 2022 is \$39.1 million, including \$38.5 million SGF. This is an all funds increase of \$8.4 million, or 27.3 percent, and an SGF increase of \$8.8 million, or 29.6 percent, above the FY 2021 actual expenditures. The increase is primarily attributable to the 2021 Legislature approving enhancement requests for increased agency staffing, a case management system, and funding for the assigned counsel rate increase in FY 2022. This increase is partially offset by a decrease of \$4.6 million SGF for the fall assigned counsel caseload adjustments. The FY 2022 approved budget includes 244.3 FTE positions, which is 4.25 FTE positions above the FY 2021 actual number.

The approved budget for the Board of Indigents' Defense Services for FY 2023 is \$47.0 million, including \$46.4 million SGF. This is an all funds increase of \$7.9 million, or 20.1 percent, and an SGF increase of \$7.9 million, or 20.5 percent, above the FY 2022 approved budget. The increase is primarily attributable to increased expenditures for the implementation of an employee recruitment and retention plan, infrastructure upgrades, and statewide salary adjustment. This increase is partially offset by a decrease of \$3.1 million SGF for the fall assigned counsel caseload adjustments. The FY 2023 approved budget includes 244.3 FTE positions, which is the same as the FY 2022 approved number.

## Board of Indigents' Defense Services

	FY 2022			FY 2023		
	SGF	All Funds	FTE	SGF	All Funds	FTE
<b>Agency Estimate</b>	\$ 43,078,464	\$ 43,692,213	244.3	\$ 58,459,436	\$ 59,065,436	344.3
<b>Governor's Changes:</b>						
1. Assigned Counsel Caseload Adjustment	\$ (4,587,896)	\$ (4,587,896)	-	\$ (3,069,164)	\$ (3,069,164)	-
2. Recruitment and Retention Plan	-	-	-	(140,125)	(140,125)	-
3. Ethical Caseloads Staffing and Support Plan	-	-	-	(8,079,500)	(8,079,500)	(88.0)
4. Expansion of Public Defender Offices	-	-	-	(1,233,470)	(1,233,470)	(12.0)
5. Infrastructure Upgrades	-	-	-	(209,800)	(209,800)	-
<i>Subtotal - Governor's Recommendation</i>	<i>\$ 38,490,568</i>	<i>\$ 39,104,317</i>	<i>244.3</i>	<i>\$ 45,727,377</i>	<i>\$ 46,333,377</i>	<i>244.3</i>
Change from Agency Est.	\$ (4,587,896)	\$ (4,587,896)	-	\$ (12,732,059)	\$ (12,732,059)	(100.0)
Percent Change from Agency Est.	(10.7)%	(10.5)%	0.0 %	(21.8)%	(21.6)%	(29.0)%
<b>Legislative Action:</b>						
6. Language for Assigned Counsel Compensation Rate Increase	\$ -	\$ -	-	\$ -	\$ -	-
7. Salary Adjustment	-	-	-	638,178	638,178	-
<b>TOTAL APPROVED</b>	<b>\$ 38,490,568</b>	<b>\$ 39,104,317</b>	<b>244.3</b>	<b>\$ 46,365,555</b>	<b>\$ 46,971,555</b>	<b>244.3</b>
Change from Gov. Rec.	\$ -	\$ -	-	\$ 638,178	\$ 638,178	-
Percent Change from Gov. Rec.	-- %	-- %	0.0 %	1.4 %	1.4 %	0.0 %
Change from Agency Est.	\$ (4,587,896)	\$ (4,587,896)	-	\$ (12,093,881)	\$ (12,093,881)	(100.0)
Percent Change from Agency Est.	(10.7)%	(10.5)%	0.0 %	(20.7)%	(20.5)%	(29.0)%

1. The Governor deleted \$4.6 million SGF in FY 2022 and \$3.1 million SGF for FY 2023 to adjust for the fall 2021 assigned counsel caseload estimates.
2. The Governor deleted \$140,125 SGF to not recommend the agency-requested enhancement to partially fund the new training division for FY 2023. The request included funding for office space, training programs, organizational memberships, and bar fees for FY 2023.
3. The Governor deleted \$8.1 million SGF and 88.0 FTE positions to not recommend the agency-requested enhancement for caseload staffing and support plan for FY 2023. The request included staffing (\$4.0 million, 53.0 FTE), appellate defender (\$2.6 million, 22.0 FTE), capital defender (\$944,000, 8.0 FTE), and administrative support (\$539,500, 5.0 FTE).
4. The Governor deleted \$1.2 million SGF and 12.0 FTE positions to not recommend the agency-requested enhancement for the initial start-up costs to establish a public defender office in the 7th Judicial District (Douglas County).
5. The Governor deleted \$209,800 SGF to only recommend partial funding of the agency-requested enhancement for infrastructure upgrades.
6. The Legislature added language to set the maximum compensation rate for assigned counsel at \$120 per hour for FY 2023.
7. The Legislature added \$638,178 SGF for a 5.0 percent salary increase for most state employees for FY 2023. This adjustment excludes statewide elected officials, current beneficiaries of the 24/7 pay plan, with other specific limitations for employees who receive salary adjustments in other portions of the appropriations bill.