



HOUSE COMMITTEE ON APPROPRIATIONS

FISCAL NOTE

HOUSE BILL NO. 1085

PRINTER'S NO. 1089

PRIME SPONSOR: Nelson

COST / (SAVINGS)

| FUND | FY 2022/23 | FY 2023/24 |
|--------------|------------|-------------------|
| General Fund | \$0 | See Fiscal Impact |

SUMMARY:

Establishes the Indigent Defense Advisory Committee within the Pennsylvania Commission on Crime and Delinquency.

ANALYSIS:

House Bill 1085 Printer's Number 1089 establishes the Indigent Defense Advisory Committee within the Pennsylvania Commission on Crime and Delinquency. The legislation defines the composition, term limits, meeting schedule, duties and responsibilities, and rules related to quorums, compensation and expenses, and staffing of the committee. The committee's duties are to:

- Propose minimum standards for the delivery of effective indigent defense services throughout this Commonwealth that are consistent with the requirements of the Constitution of the United States and the Constitution of Pennsylvania.
- Propose minimum standards for attorneys providing indigent defense services to ensure that the ability training and experience of the attorneys match the cases assigned to the attorneys.
- Submit proposed standards to the Pennsylvania Supreme Court for adoption through a manner prescribed by the Supreme Court.
- Identify, develop, or provide appropriate Statewide continuing legal education courses, practical training programs and skill development resources, including preservice training for newly hired public defenders, public defender staff attorneys, assigned counsel and contract public defenders and other counsel who provide indigent defense services.
- Identify, develop, or provide appropriate programs for capital case defense skills training, adult criminal defense training, juvenile delinquency defense training and management and leadership training for chief defenders and public defender office leaders and other counsel who provide indigent defense services.
- Establish a virtual defender training library consisting of all programs approved by the committee.
- Adopt standards by which counties shall collect and report, at a minimum, the following to the committee:
 - The caseload and workload of each attorney in the county's public defender office.
 - The caseload and workload of attorneys who are assigned to represent an indigent defendant as conflict counsel or contract counsel in the county.

- The total expenditures and per capita spending for indigent criminal defense services in the county.
- Adopt standards for the use of case management systems or software by county public defender offices.
- Develop, in partnership with the Administrative Office of Pennsylvania Courts and the Juvenile Court Judges Commission, data requests that include, at a minimum, the following:
 - the total number of criminal cases involving a public defender by category of criminal offense and by county
 - the total number of criminal cases adjudicated or closed involving a public defender by category or disposition type and by county
 - the total number of juvenile delinquency cases involving a public defender by category of offense and by county
 - the total number of juvenile delinquency cases adjudicated or closed involving a public defender by category of disposition type and county
 - the total number of criminal cases with a court appointed attorney, not a public defender
 - the total number of juvenile delinquency cases with a court appointed attorney, not a public defender
 - the total number of criminal and juvenile delinquency cases appealed involving a public defender by county
- Partner with other departments or agencies for the collection of data related to the delivery of indigent defense services, as may be required by the committee.
- Analyze the data to identify trends and overall effectiveness of indigent defense services in the State and the impact of the standards adopted on the effectiveness of indigent defense services in the future.
- Prepare a report which includes, at a minimum, the actions of the committee, details of grants awarded, summaries of data collected with statistics regarding the delivery of indigent defense services and recommendations for improvement of the indigent defense system in this Commonwealth.
- Perform functions related to the direct approval and disbursement of grants under the Indigent Defense Grant Program.

The legislation also establishes the Indigent Defense Grant Program within the Pennsylvania Commission on Crime and Delinquency (PCCD). Grants awarded through the program are to be consistent with the standards established by the Indigent Defense Advisory Committee and adopted by the Pennsylvania Supreme Court. Funding for the Indigent Defense Grant Program is dependent upon future appropriations and transfers from the General Fund, special funds, federal funds, and other sources of revenue made available to the PCCD and to the program.

This legislation would take effect in 30 days upon enactment.

FISCAL IMPACT:

The Pennsylvania Commission on Crime and Delinquency (PCCD) estimates that they will need to hire two to three employees to assist with the committee tasks, handle the grant-making functions, assist in standards development, monitor grant recipients, and establish and provide trainings. This will have an annual estimated personnel cost of between \$188,000 and \$244,000, based on the number of additional hires. Reimbursement for travel and living expenses for the committee members will cost approximately \$20,000 per year, assuming four meetings and reimbursements for members who are not state employees.

House Bill 1085 allows for PCCD to use up to 10% of the money appropriated each year for the Indigent Defense Grant Program to support the Indigent Defense Advisory Committee and to administer the Indigent Defense Grant Program. If administrative costs are lower than this cap, PCCD would reinvest the remaining resources into the grant program.

PREPARED BY: Bradley Keen
House Appropriations Committee (D)

DATE: June 7, 2023

Estimates are calculated using the best information available. Actual costs and revenue impact incurred may vary from estimates.