

JLBC Analyst: Leah Ruggieri

	FY 2005 Actual	FY 2006 Estimate	FY 2007 Approved
<b>OPERATING BUDGET</b>			
<i>Full Time Equivalent Positions</i>	0.0	0.0	0.0
Ch. 369 Capital Case Litigation; Public Defender	0	0	220,000
<b>AGENCY TOTAL</b>	<b>0</b>	<b>0</b>	<b>220,000<sup>1/</sup></b>
<b>FUND SOURCES</b>			
General Fund	0	0	220,000
<b>SUBTOTAL - Appropriated Funds</b>	<b>0</b>	<b>0</b>	<b>220,000</b>
<b>TOTAL - ALL SOURCES</b>	<b>0</b>	<b>0</b>	<b>220,000</b>

**AGENCY DESCRIPTION** — The State Capital Postconviction Public Defender Office is responsible for providing representation to any person who is not financially able to employ counsel in postconviction relief proceedings in state court after a judgment of death has been rendered. The Governor appoints the State Capital Postconviction Public Defender to serve one 4-year term. The first term of the State Capital Postconviction Defender will begin February 1, 2007.

**Ch. 369 Capital Case Litigation; Public Defender**

Laws 2006, Chapter 369 established the State Capital Postconviction Public Defender Office and appropriated \$220,000 from the General Fund in FY 2007 to the agency. The FY 2007 appropriation will support a maximum of 3 deputies and 4 additional staff positions that will handle an estimated 16 postconviction relief proceedings per year, with the average case lasting 2 years. Since the first term of the State Capital Postconviction Public Defender does not begin until February 2007, the appropriated amount is a partial year appropriation. In addition, the appropriation includes \$42,000 in one-time equipment monies.

For each person represented, the State Capital Postconviction Public Defender Office will request reimbursement from the county in which the person was convicted for 50% of the costs incurred from providing representation, or \$30,000, whichever is less. In FY 2007, total county reimbursements are estimated at \$120,000. The agency is also eligible to receive monies for training from the Public Defender Training Fund, which is administered by the Supreme Court.

<sup>1/</sup> This appropriation is a continuing appropriation and is exempt from the provisions of A.R.S. § 35-190, relating to lapsing of appropriations through June 30, 2008.