

State Capital Postconviction Public Defender Office

A.R.S. § 41-4251

Director: Marty Lieberman

JLBC Analyst: Kevin Bates

	FY 2006 Actual	FY 2007 Estimate	FY 2008 Approved	FY 2009 Approved
<b>OPERATING BUDGET</b>				
<i>Full Time Equivalent Positions</i>	0.0	0.0	7.0	7.0
Personal Services	0	111,800	457,900	449,000
Employee Related Expenditures	0	19,800	128,200	120,900
Professional and Outside Services	0	25,300	104,000	104,000
Travel - In State	0	4,400	20,000	20,000
Other Operating Expenditures	0	16,700	27,800	27,800
Equipment	0	42,000	0	0
<b>AGENCY TOTAL</b>	<b>0</b>	<b>220,000</b>	<b>737,900<sup>1/</sup></b>	<b>721,700<sup>1/</sup></b>
<b>FUND SOURCES</b>				
General Fund	0	220,000	737,900	721,700
<b>SUBTOTAL - Appropriated Funds</b>	<b>0</b>	<b>220,000</b>	<b>737,900</b>	<b>721,700</b>
<b>TOTAL - ALL SOURCES</b>	<b>0</b>	<b>220,000</b>	<b>737,900</b>	<b>721,700</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 began February 1, 2007.

**Operating Budget**

The budget provides \$737,900 and 7 FTE Positions from the General Fund for the operating budget in FY 2008 and \$721,700 and 7 FTE Positions in FY 2009. These amounts fund the following adjustments:

**Statewide Adjustments**

The budget provides an increase of \$16,100 from the General Fund in FY 2008 and a decrease of \$(100) in FY 2009 for statewide adjustments. *(Please see the Statewide Adjustments section at the end of this Appropriations Report for details. The annualization of these adjustments for FY 2009 will be addressed in the 2008 budget process.)*

**Equipment Reduction**

The budget provides a decrease of \$(42,000) from the General Fund in FY 2008 and FY 2009 for one-time equipment monies.

**Annualization**

The budget provides an increase of \$543,800 and 7 FTE Positions from the General Fund in FY 2008 and FY 2009 for the annualization of the FY 2007 operating budget.

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 funded a maximum of 3 deputies and 4 additional staff positions to 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 did not begin until February 2007, the appropriated amount was a partial year appropriation. In addition, the appropriation included \$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. In FY 2008, total reimbursements are estimated at \$240,000. Reimbursements are deposited in the General Fund. 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> General Appropriation Act funds are appropriated as a Lump Sum by Agency.