PUBLIC DEFENDER COMMISSION

Budget Request
Fiscal Year 2023

Mary Fox
State Public Defender, Director
573-777-9977
Extension 201
October 1, 2021

Dear Governor Parson:

Enclosed please find the budget request for FY 2023 for Missouri State Public Defender (MSPD). MSPD is grateful for the additional attorney resources provided in the FY 2022 budget. That appropriation, which increased our trial division staff by fifty-three attorneys, will allow MSPD to move forward in fulfilling its constitutional obligation to provide effective representation to the indigent accused. By improving the public defender system, the State is also improving the court process by allowing the Court to resolve cases in a timely manner.

MSPD attorneys can most effectively and efficiently provide legal representation to eligible clients when they are supported by legal assistants and investigators. Currently MSPD has one investigator for every eight attorneys and one support staff member for every three attorneys. As a result, attorneys are often called upon to perform secretarial, administrative and investigative work. Cases are delayed in the court system as the limited support staff work to obtain applications for services, police investigation documents medical and mental health treatment records and perform essential investigation. By increasing support staff MSPD can allow attorneys to perform attorney functions and decrease the delays, which are detrimental not only to the defendant, but also to the State, the counties, the courts and the complaining witnesses.

Working together with other State partners and MSPD supporters, we have made significant progress in decreasing waitlists for public defender services. In FY 2020, almost five thousand cases needed representation. That number is now near 600 and the hope is to provide representation in all of those cases by the end of the 2021 calendar year. Part of that reduction was the result of a generous gift to MSPD. That gift, however, had to be channeled through the local jurisdiction because there was no way for MSPD to accept gifts. MSPD will be requesting a change to the statute to allow MSPD to accept and expend Federal and Other Funds (0112). A decision item is included to increase this spending authority.

MSPD is also requesting to increase the transfer limit for the Debt Offset Fund (0753). The amount of client’s income tax refunds intercepted by the Department of Revenue has increased for fees owed to the Public Defender System. The same amount is also requested in the appropriation (7673) which receives the transfer of funds from Debt Offset. MSPD would benefit from having additional funds available to pay necessary expenses.

It is with appreciation for the State’s support of the constitutional right to counsel and renewed hope for the continued improvement of our state’s public defense system that MSPD submits this FY 2023 budget request.

Sincerely,

Mary Fox
Director
# State Public Defender
## 2023 Legislative Budget Request
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## PROGRAM DESCRIPTION

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<th>Missouri State Public Defender</th>
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<td>Program Name:</td>
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This program is found in all MSPD core budgets. MSPD has only one mission and only one program - to provide effective legal representation to indigent persons accused of crime.

### 1a. What strategic priority does this program address?

The single overriding goal of the Office of the Missouri State Public Defender is to provide effective criminal defense representation for its clients fulfilling the State's constitutional mandate to provide legal representation to the poor charged with criminal offenses who are unable to retain counsel on their own. Strategies to accomplish this mission have been identified and implemented with continued refinements to enhance productivity and efficiencies, reducing costs and eliminating waste in the processes and operations that deliver such services.

### 1b. What does this program do?

The Missouri State Public Defender (MSPD) is a statewide system that provides legal representation to poor persons who are accused or convicted of state crimes. That representation occurs in Missouri’s trial, and appellate courts, as well as in the United States Supreme Court. MSPD'S representation of eligible applicants fulfills the state's constitutional mandate to provide counsel pursuant to the Sixth Amendment of the United States Constitution and Article I, Section 18 of the Missouri Constitution.
This program is found in all MSPD core budgets.

MSPD has only one mission and only one program - to provide effective legal representation to indigent persons accused of crime.

Program is found in the following core budget(s):

2a. Provide an activity measure(s) for the program.

MSPD tracks both intake of new cases and resolution of disposed cases. MSPD also tracks outcomes of those cases. Many cases take more than a year from assignment to disposition and many more do not fall neatly, start to finish, within a single fiscal year. The chart reflects the reality that no lawyer begins the fiscal year with an empty file drawer. At the start of FY2021, Missouri's Trial Division public defenders had over 29,712 pending cases already on their desks, to which another 52,037 new cases were assigned over the course of the fiscal year.
This program is found in all MSPD core budgets.

MSPD has only one mission and only one program - to provide effective legal representation to indigent persons accused of crime.

2b. Provide a measure(s) of the program’s quality.

MSPD provides representation to the majority of persons facing criminal charges in Missouri’s courts. Each eligible applicant is assigned to an individual Assistant Public Defender who is responsible for the representation of the client. MSPD measures incoming cases by charges filed by the State and jurisdiction in which the charges are pending. MSPD measures disposition of the cases by the final outcome of the case; i.e. trial, guilty plea, dismissal, etc. Any case which results in a conviction is eligible for post conviction review by both circuit and appellate courts. MSPD is generally responsible for providing representation in those cases also.

The attorneys of MSPD have a duty to represent the eligible indigent defendants that request legal representation, but those attorneys must balance the rights of those eligible defendants with the obligations of the attorney to provide competent and effective assistance. Because more cases are eligible for legal representation at public expense than the State has provided resources to handle, twelve trial offices currently have court authorized waitlists for services. Eligible applicants on those waitlists must appear in court without counsel until an attorney is available to provide legal representation.

As Chief Justice Draper noted in his State of the Judiciary speech in January, 2020 "the system simply does not work without a sufficiently funded and staffed public defender system. To be sure, all attorneys in public service work long, hard hours, and many are underpaid and under-recognized. But if criminal cases cannot be moved efficiently through the system because of overloaded attorneys, we risk leaving those who are guilty on the street, those who are not guilty unable to return to being productive members of society, and victims and their families powerless to find closure and move forward with their lives. Together, we all share the burden of our state constitutional mandate demanding that 'justice shall be administered without sale, denial or delay.'"

MSPD's ability to provide quality, timely representation is affected by the amount of resources available in relation to the number of cases in need of representation.
This program is found in all MSPD core budgets.
MSPD has only one mission and only one program - to provide effective legal representation to indigent persons accused of crime.

2c. Provide a measure(s) of the program's impact.

As noted above, MSPD is the independent statutory department that provides legal representation at the public expense to any eligible applicant as required by the Sixth Amendment of the United States Constitution and Article I, Section 18 of the Missouri Constitution. Missouri’s criminal courts would come to a standstill without MSPD. At any time, MSPD is the defense attorney of record in the majority of criminal cases pending in those courts. Chief Justice Draper explained the danger to Missouri without a funded public defender system is that the guilty will go free, the innocent will be unable to return to their communities and victims will not have closure.

2d. Provide a measure(s) of the program's efficiency.

There are three primary measures of effectiveness applicable to the Missouri State Public Defender System:

(1) Case Law: Through cases ruled upon by the United States Supreme Court, the Missouri Supreme Court and Courts of Appeal, specific standards of what does or does not constitute effective assistance of counsel in the representation of a criminal defendant have evolved. Where an attorney is found by the court to have failed to meet those standards, any conviction of the defendant must be set aside.

(2) Missouri Rules of Professional Responsibility are established by the Missouri Supreme Court and applicable to every attorney licensed to practice law within the State of Missouri. The Rules set out what is expected from a competent, professional attorney and are enforced by the Missouri Supreme Court through its Office of Chief Disciplinary Counsel. Failure to comply with these rules can result in actions being taken against the attorney's license, ranging from a formal reprimand up to and including permanent disbarment from the right to practice law within the state.

(3) MSPD Guidelines for Representation adopted by the Missouri State Public Defender Commission, which set out the Commission’s expectations of its attorneys in order to meet the above standards for effective representation of clients served by Missouri Public Defenders.

Unfortunately, the Missouri State Public Defender System is not currently able to meet many of these standards because it is staffed to handle only a percentage of the total caseload assigned to it this last year. The overload has forced lawyers and investigators alike to cut corners, skip steps, and make on-the-fly triage decisions in order to keep up with cases coming in the door. As a result, effectiveness in many of these cases is compromised.
PROGRAM DESCRIPTION

Department: Missouri State Public Defender
Program Name: Public Defender

This program is found in all MSPD core budgets.
MSPD has only one mission and only one program - to provide effective legal representation to indigent persons accused of crime.

3. Provide actual expenditures for the prior three fiscal years and planned expenditures for the current fiscal year. (Note: Amounts do not include fringe benefit costs.)

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4. What are the sources of the "Other" funds?

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Program is found in the following core budget(s):

- This program is found in all MSPD core budgets.

MSPD has only one mission and only one program - to provide effective legal representation to indigent persons accused of crime.

5. What is the authorization for this program, i.e., federal or state statute, etc.? (Include the federal program number, if applicable.)

   Chapter 600 R.S. Mo, which was enacted to comply with the state’s obligations under the U.S. Constitution and Missouri Constitutions:
   
   *In all criminal prosecutions, the accused shall enjoy the right to . . . have the assistance of counsel for his defence.*
   
   Amend VI, U.S. Constitution

   *In order to assert our rights, acknowledge our duties, and proclaim the principles on which our government is founded, we declare: . . . That in criminal prosecutions the accused shall have the right to appear and defend in person and by counsel.*

   Article I, Section 18(a), Missouri Constitution.

6. Are there federal matching requirements? If yes, please explain.

   No

7. Is this a federally mandated program? If yes, please explain.

   Yes -

   The Provision of counsel to indigent defendants facing prosecution and potential loss of their liberty if federally mandated the United States Constitution.

   "In all criminal prosecutions, the accused shall enjoy the right to...have the assistance of counsel for his defence."

   Amend VI, U.S. Constitution Bill of Rights.
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## MISSOURI PUBLIC DEFENDER

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9/27/21 10:19

im_disummary
The Missouri State Public Defender (MSPD) is a statewide system, providing legal representation to indigent defendants accused of state crimes in the Missouri’s trial, appellate, and Supreme Courts. It is an independent department of state government, located within, but not supervised by, the Judicial Branch. It is governed by a seven-member Public Defender Commission, appointed by the Governor.

This core decision item includes funding for public defenders and their support staff throughout the state and a central administrative staff. It also includes partial funding for assigning conflict cases to private counsel.

The Missouri State Public Defender has only one program: providing constitutionally required criminal defense representation to Missourians facing the loss of liberty in state misdemeanor and felony prosecutions, as well as in appellate and post-conviction representation matters in which the state has created a right to counsel.

Note: Fringes budgeted in House Bill 5 except for certain fringes budgeted directly to MoDOT, Highway Patrol, and Conservation.
### 4. FINANCIAL HISTORY

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<td>0</td>
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<td>43,608,451</td>
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<td>48,708,135</td>
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<tr>
<td>Unexpended (All Funds)</td>
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Unexpended, by Fund:
- General Revenue: 0 0 0 N/A
- Federal: 0 0 0 N/A
- Other: 0 0 0 N/A

*Current Year restricted amount is $0.00 as of October 1, 2021.

Reverted includes the statutory three percent reserve amount (when applicable).
Restricted includes any Governor's expenditure restrictions which remained at the end of the fiscal year (when applicable).

**NOTES:**
- Revised: 
- Updated: 
- Suggested: 
- Changes: 
- Notes: 

---

![Budget Graph](attachment:Budget_Graph.png)
<table>
<thead>
<tr>
<th>Budget Item</th>
<th>FY 2021</th>
<th>FY 2021</th>
<th>FY 2022</th>
<th>FY 2022</th>
<th>FY 2023</th>
<th>FY 2023</th>
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**Office of the Director**

**Core**

- Temporary Employee: 0, 0.00
- Secretary: 4,052,324, 126.59, 4,060,961, 125.00, 4,089,174, 123.50
- Investigator: 2,398,221, 57.44, 2,493,864, 60.00, 2,529,873, 60.00
- Paralegal: 187,272, 4.50, 187,856, 4.50, 191,442, 4.50
- Mitigation Specialist: 414,317, 9.36, 440,853, 10.00, 451,953, 10.00
- Assistant Public Defender: 21,932,190, 341.18, 26,032,066, 398.00, 25,948,428, 399.00
- District Defender: 4,097,281, 44.50, 4,234,990, 46.00, 4,334,368, 46.00
- Division Director: 345,725, 2.83, 377,253, 3.00, 250,098, 3.00
- Program Technician: 210,542, 4.30, 437,768, 9.50, 475,438, 10.00
- Program Manager: 697,808, 9.93, 550,424, 6.00, 546,839, 6.00
- Director: 149,712, 1.00, 151,209, 1.00, 149,712, 1.00

**Temporary Expense**

- Total - PS: 35,007,730, 610.03, 39,476,166, 670.13, 39,476,166, 670.13, 0, 0.00
- Travel, In-State: 643,478, 0.00, 1,099,076, 0.00, 900,000, 0.00
- Travel, Out-Of-State: 6,568, 0.00, 15,000, 0.00, 15,000, 0.00
- Fuel & Utilities: 47,112, 0.00, 55,000, 0.00, 55,000, 0.00
- Supplies: 288,341, 0.00, 288,875, 0.00, 290,000, 0.00
- Professional Development: 151,474, 0.00, 24,230, 0.00, 150,000, 0.00
- Communication Serv & Supp: 583,050, 0.00, 656,630, 0.00, 595,000, 0.00
- Professional Services: 5,903,359, 0.00, 5,663,365, 0.00, 5,591,969, 0.00
- Housekeeping & Janitorial Serv: 107,677, 0.00, 120,000, 0.00, 110,000, 0.00
- M&R Services: 284,216, 0.00, 155,000, 0.00, 250,000, 0.00
- Computer Equipment: 94,073, 0.00, 91,550, 0.00, 8,450, 0.00
- Motorized Equipment: 0, 0.00, 20,000, 0.00, 20,000, 0.00
- Office Equipment: 64,938, 0.00, 91,305, 0.00, (16,305), 0.00
- Other Equipment: 16,367, 0.00, 1,000, 0.00, 15,000, 0.00
- Building Lease Payments: 997,028, 0.00, 880,938, 0.00, 1,020,000, 0.00
- Equipment Rentals & Leases: 23,025, 0.00, 20,000, 0.00, 25,000, 0.00
- Miscellaneous Expenses: 39,690, 0.00, 50,000, 0.00, 40,000, 0.00

**Total - EE**: 9,250,396, 0.00, 9,231,969, 0.00, 9,069,114, 0.00, 0, 0.00

**Grand Total**: $44,258,126, 610.03, $48,708,135, 670.13, $48,545,280, 670.13, $0, 0.00

**General Revenue**: $44,258,126, 610.03, $48,708,135, 670.13, $48,545,280, 670.13, 0.00

**Federal Funds**: $0, 0.00, $0, 0.00, $0, 0.00

**Other Funds**: $0, 0.00, $0, 0.00, $0, 0.00

9/27/21 10:21
FLEXIBILITY REQUEST FORM

BUDGET UNIT NUMBER:  15111C  
BUDGET UNIT NAME:  Office of the State Public Defender - Legal Services  
DEPARTMENT:  Missouri State Public Defender  
HOUSE BILL SECTION:  12.400  
DIVISION:  Director's Office - Legal Services  

1. Provide the amount by fund of personal service flexibility and the amount by fund of expense and equipment flexibility you are requesting in dollar and percentage terms and explain why the flexibility is needed. If flexibility is being requested among divisions, provide the amount by fund of flexibility you are requesting in dollar and percentage terms and explain why the flexibility is needed.

**DEPARTMENT REQUEST**

As in previous years, the Office of the State Public Defender is requesting full flexibility in our legal services appropriations. (Appropriations 0911, 0912 and 8727). Due to the turnover of attorney positions, the number of conflicts and the overload of cases, it is frequently necessary to transfer cases from state employees (Appropriation 0911) to private counsel who can be compensated from appropriation 0912 or 8727.

It is also necessary to transfer vacancy savings dollars from the Personal Service Appropriation to the Expense and Equipment Appropriation to cover appropriation shortfalls in case litigation expenses and increasing office expenses such as travel, postage, equipment maintenance and network charges.

2. Estimate how much flexibility will be used for the budget year. How much flexibility was used in the Prior Year Budget and the Current Year Budget? Please specify the amount.

<table>
<thead>
<tr>
<th>Prior Year Actual Amount of Flexibility Used</th>
<th>Current Year Estimated Amount of Flexibility that Will be Used</th>
<th>Budget Request Estimated Amount of Flexibility that Will be Used</th>
</tr>
</thead>
<tbody>
<tr>
<td>$550,387.00</td>
<td>$1,500,000</td>
<td>$1,000,000</td>
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</tbody>
</table>

3. Please explain how flexibility was used in the prior and/or current years.

**Prior Year Explain Actual Use**

$550,387 was transferred from Personal Service (0911) to Expense & Equipment (0912). In FY21 most of the transferred money was used to reduce waitlists of public defender eligible defendants.

**Current Year Explain Planned Use**

Flexibility will be utilized to best meet the caseload demands of the State Public Defender System. Dollars from Personal Service vacancy savings could be used to meet the costs of operating the local offices or to contract out cases to private bar as the need arises or to pay for increasing necessary litigation expenses.
NEW DECISION ITEM
RANK: 2 OF 5

Department: Missouri State Public Defender
Budget Unit: 15111C
Division: Legal Services
Division: Legal Services
DI Name: Pay Plan - FY 2022 Cost to Continue
DI#: 0000013
HB Section: 12.400

1. AMOUNT OF REQUEST

<table>
<thead>
<tr>
<th></th>
<th>FY 2023 Budget Request</th>
<th>FY 2023 Governor's Recommendation</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>GR</td>
<td>Federal</td>
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<tr>
<td>PS</td>
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<tr>
<td>EE</td>
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<tr>
<td>PSD</td>
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<td>TRF</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Total</td>
<td>390,854</td>
<td>0</td>
</tr>
</tbody>
</table>

|              | FTE | 0.00 | 0.00 | 0.00 | 0.00 |
|              | Est. Fringe | 131,014 | 0 | 0 | 131,014 |

Note: Fringes budgeted in House Bill 5 except for certain fringes budgeted directly to MoDOT, Highway Patrol, and Conservation.

2. THIS REQUEST CAN BE CATEGORIZED AS:

- New Legislation
- Federal Mandate
- GR Pick-Up
- Pay Plan
- New Program
- Program Expansion
- Space Request
- Other: 
- Fund Switch
- Cost to Continue
- Equipment Replacement
- X

3. WHY IS THIS FUNDING NEEDED? PROVIDE AN EXPLANATION FOR ITEMS CHECKED IN #2. INCLUDE THE FEDERAL OR STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS PROGRAM.

The FY 2022 budget includes appropriation authority for a 2% pay increase for employees beginning January 1, 2022. The remaining six months were unfunded, but the stated intent of the legislature was to provide the funding for FY 2023.
4. DESCRIBE THE DETAILED ASSUMPTIONS USED TO DERIVE THE SPECIFIC REQUESTED AMOUNT. (How did you determine that the requested number of FTE were appropriate? From what source or standard did you derive the requested levels of funding? Were alternatives such as outsourcing or automation considered? If based on new legislation, does request tie to TAFP fiscal note? If not, explain why. Detail which portions of the request are one-times and how those amounts were calculated.)

The appropriated amount for the Fiscal Year 2022 pay plan was based on a 2% pay increase for employees beginning January 1, 2022. The Fiscal Year 2023 requested amount is equivalent to the remaining six months in order to provide the core funding necessary for a full fiscal year.

5. BREAK DOWN THE REQUEST BY BUDGET OBJECT CLASS, JOB CLASS, AND FUND SOURCE. IDENTIFY ONE-TIME COSTS.

<table>
<thead>
<tr>
<th>Budget Object Class/Job Class</th>
<th>Dept Req GR DOLLARS</th>
<th>Dept Req FTE</th>
<th>Dept Req FED DOLLARS</th>
<th>Dept Req FTE</th>
<th>Dept Req OTHER DOLLARS</th>
<th>Dept Req OTHER FTE</th>
<th>Dept Req TOTAL DOLLARS</th>
<th>Dept Req TOTAL FTE</th>
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<tr>
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<tr>
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<tr>
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<td>FY 2022 BUDGET DOLLAR</td>
<td>FY 2022 BUDGET FTE</td>
<td>FY 2022 DEPT REQ DOLLAR</td>
<td>FY 2022 DEPT REQ FTE</td>
<td>FY 2023 SECURED DOLLAR</td>
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### Legal Services - General Revenue

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<th>Number of FTE</th>
<th>FY2022 Core Payroll</th>
<th>FY 2023 Cost to Continue</th>
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</thead>
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<td>Secretary</td>
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<tr>
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<td>Director</td>
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(Note: No Pay Plan on Director)

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<tr>
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<th>FY2022 Payroll</th>
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<tbody>
<tr>
<td>670.13</td>
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### NEW DECISION ITEM

**RANK:** 3 of 5

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<tr>
<th>Department:</th>
<th>Missouri State Public Defender</th>
<th>Budget Unit:</th>
<th>15111C</th>
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<tbody>
<tr>
<td>Division:</td>
<td>Legal Services</td>
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<tr>
<td>DI Name</td>
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<tr>
<td></td>
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<td>HB Section</td>
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#### 1. AMOUNT OF REQUEST

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<tr>
<th></th>
<th>FY 2023 Budget Request</th>
<th>FY 2023 Governor’s Recommendation</th>
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<td>GR</td>
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<tr>
<td>Total</td>
<td>1,770,858</td>
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<tr>
<th></th>
<th>FY 2023 Budget Request</th>
<th>FY 2023 Governor’s Recommendation</th>
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<td></td>
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<td>PS</td>
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<td>EE</td>
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<td>PSD</td>
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<td>TRF</td>
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<tr>
<td>Total</td>
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</table>

| FTE                  | 36.00     | 0.00    | 0.00  | 36.00  | FTE                  | 0.00    | 0.00  | 0.00  |

| Est. Fringe          | 1,002,951 | 0       | 0     | 1,002,951 |
|                      |           |         |       |          |

**Note:** Fringes budgeted in House Bill 5 except for certain fringes budgeted directly to MoDOT, Highway Patrol, and Conservation.

### 2. THIS REQUEST CAN BE CATEGORIZED AS:

- [ ] New Legislation
- [ ] Federal Mandate
- [ ] GR Pick-Up
- [ ] Pay Plan
- [X] Program Expansion
- [ ] Space Request
- [ ] Other Request
- [ ] Equipment Replacement
- [ ] Cost to Continue
- [ ] Other:
3. WHY IS THIS FUNDING NEEDED? PROVIDE AN EXPLANATION FOR ITEMS CHECKED IN #2. INCLUDE THE FEDERAL OR STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS PROGRAM.

Missouri is constitutionally mandated to provide legal representation at the public’s expense to poor persons who have been charged with a criminal offense who are unable to hire counsel. MSPD is the independent statutory department created to fulfill that obligation. MSPD was established in 1982 and has struggled for much of its existence to obtain the necessary resources to fulfill that constitutional mandate. In Fiscal Year FY2022 MSPD was authorized to hire an additional 53 assistant public defenders to address excessive caseloads. In addition, 4 positions were added to provide representation at parole hearings.

Although the 53 new attorney FTE were greatly needed and appreciated, this addition of attorney staff exacerbated the challenges facing the already overburdened support staff in many of the offices. District Defenders were surveyed to determine the type of assistance that would provide the most benefit to their office. The results of the survey are reflected on the following pages.
Currently, MSPD has one investigator for every eight attorneys and one support staff member for every three attorneys. As a result, attorneys are often called upon to perform secretarial, administrative and investigative work. Cases are delayed in the court system as the limited support staff obtain applications for services, police investigation documents and medical and mental health treatment records and perform essential investigation. By increasing MSPD support staff we can decrease the delays, which are detrimental not only to the defendant, but also to the State, the courts and the complaining witnesses.

### 5. BREAK DOWN THE REQUEST BY BUDGET OBJECT CLASS, JOB CLASS, AND FUND SOURCE. IDENTIFY ONE-TIME COSTS.

<table>
<thead>
<tr>
<th>Budget Object Class/Job Class</th>
<th>Dept Req GR DOLLARS</th>
<th>Dept Req FED DOLLARS</th>
<th>Dept Req OTHER DOLLARS</th>
<th>Dept Req TOTAL DOLLARS</th>
<th>Dept Req GR FTE</th>
<th>Dept Req FED FTE</th>
<th>Dept Req OTHER FTE</th>
<th>Dept Req TOTAL FTE</th>
<th>Dept Req One-Time DOLLARS</th>
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<td>0</td>
<td>0</td>
<td>792,072</td>
<td>18.0</td>
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<tr>
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<td>0</td>
<td>610,848</td>
<td>18.0</td>
<td></td>
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<tr>
<td><strong>Total PS</strong></td>
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<td><strong>1,770,858</strong></td>
<td><strong>18.0</strong></td>
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### Legal Assistant

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<th>District #</th>
<th>Office Location</th>
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<tbody>
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<tr>
<td>11</td>
<td>St Charles Trial</td>
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<tr>
<td>13</td>
<td>Columbia Trial</td>
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<tr>
<td>14</td>
<td>Moberly Trial</td>
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<tr>
<td>20</td>
<td>Union Trial</td>
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<td>Clayton Trial</td>
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<td>23</td>
<td>Hillsboro Trial</td>
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<tr>
<td>24</td>
<td>Farmington Trial</td>
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<tr>
<td>25</td>
<td>Rolla Trial</td>
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<tr>
<td>28</td>
<td>Nevada Trial</td>
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<tr>
<td>32</td>
<td>Jackson Trial</td>
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<tr>
<td>34</td>
<td>Portageville Trial</td>
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<tr>
<td>35</td>
<td>Kennett Trial</td>
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<tr>
<td>39</td>
<td>Monett Trial</td>
</tr>
<tr>
<td>44</td>
<td>Ava Trial</td>
</tr>
<tr>
<td>58</td>
<td>Kansas City Plex</td>
</tr>
<tr>
<td>57</td>
<td>St Louis Plex</td>
</tr>
<tr>
<td>56</td>
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18 Legal Assistants

### Investigator

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<tbody>
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</tr>
<tr>
<td>7</td>
<td>Liberty Trial</td>
</tr>
<tr>
<td>12</td>
<td>Fulton Trial</td>
</tr>
<tr>
<td>15</td>
<td>Sedalia Trial</td>
</tr>
<tr>
<td>16</td>
<td>Kansas City Trial</td>
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<tr>
<td>17</td>
<td>Harrisonville Trial</td>
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<tr>
<td>19</td>
<td>Jefferson City Trial</td>
</tr>
<tr>
<td>22</td>
<td>St Louis City Trial</td>
</tr>
<tr>
<td>26</td>
<td>Lebanon Trial</td>
</tr>
<tr>
<td>29</td>
<td>Carthage Trial</td>
</tr>
<tr>
<td>30</td>
<td>Bolivar Trial</td>
</tr>
<tr>
<td>31</td>
<td>Springfield Trial</td>
</tr>
<tr>
<td>36</td>
<td>Poplar Bluff Trial</td>
</tr>
<tr>
<td>37</td>
<td>West Plains Trial</td>
</tr>
<tr>
<td>43</td>
<td>Chillicothe Trial</td>
</tr>
<tr>
<td>45</td>
<td>Troy Trial</td>
</tr>
<tr>
<td>57</td>
<td>St Louis Plex</td>
</tr>
<tr>
<td>56</td>
<td>Columbia Plex</td>
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</table>

18 Investigators
<table>
<thead>
<tr>
<th>Budget Object Class</th>
<th>OFFICE OF THE DIRECTOR</th>
<th>MISSOURI PUBLIC DEFENDER</th>
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<tr>
<td></td>
<td>FY 2021</td>
<td>FY 2021</td>
</tr>
<tr>
<td></td>
<td>ACTUAL</td>
<td>ACTUAL</td>
</tr>
<tr>
<td>DOLLAR FTE</td>
<td>DOLLAR</td>
<td>FTE</td>
</tr>
<tr>
<td>---------------------</td>
<td>---------</td>
<td>---------</td>
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<tr>
<td>Non-Attorney Support Staff - 1151001</td>
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</tr>
<tr>
<td>SECRETARY</td>
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<tr>
<td>INVESTIGATOR</td>
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<tr>
<td>TOTAL - PS</td>
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<td>TRAVEL, IN-STATE</td>
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<td>0.00</td>
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<tr>
<td>SUPPLIES</td>
<td>0</td>
<td>0.00</td>
</tr>
<tr>
<td>COMMUNICATION SERV &amp; SUPP</td>
<td>0</td>
<td>0.00</td>
</tr>
<tr>
<td>COMPUTER EQUIPMENT</td>
<td>0</td>
<td>0.00</td>
</tr>
<tr>
<td>OFFICE EQUIPMENT</td>
<td>0</td>
<td>0.00</td>
</tr>
<tr>
<td>OTHER EQUIPMENT</td>
<td>0</td>
<td>0.00</td>
</tr>
<tr>
<td>BUILDING LEASE PAYMENTS</td>
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<td>0.00</td>
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<td>TOTAL - EE</td>
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<td>0.00</td>
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<td>GENERAL REVENUE</td>
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<tr>
<td>FEDERAL FUNDS</td>
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<tr>
<td>OTHER FUNDS</td>
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## Trial Divisions Additional Support
### Fiscal Year 2023 Request
#### 18 Legal Assistants

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<thead>
<tr>
<th>COST BREAKDOWN</th>
<th>TOTAL COSTS</th>
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<tbody>
<tr>
<td><strong>Personal Service</strong></td>
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</tr>
<tr>
<td>Legal Assistant III - Range 18F</td>
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<tr>
<td>$33,936</td>
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<tr>
<td><strong>Total Personal Service</strong></td>
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</tr>
<tr>
<td><strong>Expense &amp; Equipment</strong></td>
<td></td>
</tr>
<tr>
<td>One-time Purchases</td>
<td></td>
</tr>
<tr>
<td>Legal Assistant Package</td>
<td>18.00</td>
</tr>
<tr>
<td>$4,083</td>
<td>$73,494</td>
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<tr>
<td><strong>On-Going Costs</strong></td>
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</tr>
<tr>
<td>Legal Assistant</td>
<td>18.00</td>
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<tr>
<td>$3,600</td>
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<tr>
<td><strong>Total Personnel Related On-Going Costs</strong></td>
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<tr>
<td><strong>Total Expense and Equipment</strong></td>
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#### 18 Investigators

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</thead>
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<tr>
<td><strong>Expense &amp; Equipment</strong></td>
<td></td>
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<tr>
<td>One-time Purchases</td>
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</tr>
<tr>
<td>Investigator Package</td>
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<td>$78,444</td>
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<td><strong>On-Going Costs</strong></td>
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<tr>
<td>Investigator</td>
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<tr>
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<td><strong>Total Investigator Request</strong></td>
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# Position Cost Detail for New FTE's

## One Time Equipment Purchase

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<tbody>
<tr>
<td>Desk</td>
<td>$601</td>
</tr>
<tr>
<td>Chair</td>
<td>$250</td>
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<tr>
<td>Side Chair</td>
<td>$382</td>
</tr>
<tr>
<td>Bookcase</td>
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</tr>
<tr>
<td>File Cabinet</td>
<td>$225</td>
</tr>
<tr>
<td>Telephone</td>
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<tr>
<td>Laptop w/Docking Station</td>
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<tr>
<td>PC Software</td>
<td>$750</td>
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<td><strong>Total</strong></td>
<td><strong>$4,083</strong></td>
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</table>

<table>
<thead>
<tr>
<th><strong>Investigator</strong></th>
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</tr>
</thead>
<tbody>
<tr>
<td>Desk</td>
<td>$601</td>
</tr>
<tr>
<td>Chair</td>
<td>$250</td>
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<td>Side Chair</td>
<td>$382</td>
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<tr>
<td>Bookcase</td>
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<td>File Cabinet</td>
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<tr>
<td>Telephone</td>
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<tr>
<td>Laptop w/Docking Station</td>
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<td>Camera</td>
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<td>PC Software</td>
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## Detail for Projections

### On-Going Costs - Trial Division

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<tr>
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<tr>
<td>Phone &amp; Network Communications</td>
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<table>
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<tbody>
<tr>
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<tr>
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<tr>
<td>Rent</td>
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<tr>
<td>Phone &amp; Network Communications</td>
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<td><strong>Total</strong></td>
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## MissourI Public Defender

### Decision Item Summary

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<th>FY 2022 Budget</th>
<th>FY 2022 Dept Req</th>
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<tr>
<td>Expense &amp; Equipment</td>
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<td>0</td>
<td>4,720,901</td>
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<td>4,721,071</td>
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<td>0</td>
<td>4,720,901</td>
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<td>$4,721,071</td>
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<td>$4,721,071</td>
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<td>$0</td>
<td>0</td>
<td>$4,720,901</td>
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</table>
**CORE DECISION ITEM**

**Department:** Missouri State Public Defender  
**Division:** Public Defender  
**Core:** Litigation Expenses & Conflict Cases Core Request  
**Budget Unit** 15151C  
**HB Section** 12.400

### 1. CORE FINANCIAL SUMMARY

<table>
<thead>
<tr>
<th></th>
<th>FY 2023 Budget Request</th>
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</tr>
</thead>
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<tr>
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<tr>
<td>PS</td>
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<td>PSD</td>
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<td>TRF</td>
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</table>

**Note:** Fringes budgeted in House Bill 5 except for certain fringes budgeted directly to MoDOT, Highway Patrol, and Conservation.

### 2. CORE DESCRIPTION

This appropriation was established to cover three main types of expenses.

**VIOLENT CRIMES:** Payment of expenses associated with the defense of violent crimes, including those charged as sexually violent predators and death penalty cases.

**LITIGATION EXPENSES:** Litigation expenses are also paid out of the appropriation. These would include, but are not limited to, such things as mental health evaluations by experts, depositions, interpreters, medical records, transcriptions, exhibits, immigration consultations, fingerprint experts, handwriting analysis, etc. There has been no increase in funding for litigation expense since fiscal year 1996.

**CONFLICT CASES:** A conflict requiring a case to be contracted out to private counsel occurs when there are multiple co-defendants charged in a particular incident. The co-defendants each require conflict free counsel who can investigate and negotiate the case independently, including any negotiation of testimony against another co-defendant.
# CORE DECISION ITEM

## Department: Missouri State Public Defender

**Budget Unit:** 15151C  
**Division:** Public Defender  
**Core** Litigation Expenses & Conflict Cases Core Request  
**HB Section** HB 12.400

### 3. PROGRAM LISTING (list programs included in this core funding)

The Missouri State Public Defender (MSPD) is a statewide system that provides legal representation to poor persons who are accused or convicted of state crimes. That representation occurs in Missouri’s trial, and appellate courts, as well as in the United States Supreme Court. MSPD's representation of eligible applicants fulfills the state's constitutional mandate to provide counsel pursuant to the Sixth Amendment of the United States Constitution and Article I, Section 18 of the Missouri Constitution.

### 4. FINANCIAL HISTORY

<table>
<thead>
<tr>
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Unexpended, by Fund:  
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- Federal: 0 0 0 N/A  
- Other: 0 0 0 N/A

*Current Year restricted amount is $0.00 as of October 1, 2021.

Reverted includes the statutory three percent reserve amount (when applicable).  
Restricted includes any Governor's expenditure restrictions which remained at the end of the fiscal year (when applicable).

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<th>FY 2021 ACTUAL FTE</th>
<th>FY 2022 BUDGET DOLLAR</th>
<th>FY 2022 BUDGET FTE</th>
<th>FY 2023 DEPT REQ DOLLAR</th>
<th>FY 2023 DEPT REQ FTE</th>
<th>FY 2023 SECURED DOLLAR</th>
<th>FY 2023 SECURED FTE</th>
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<td><strong>4,721,071</strong></td>
<td><strong>0.00</strong></td>
<td><strong>4,721,071</strong></td>
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<td><strong>$4,721,071</strong></td>
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<td><strong>$0</strong></td>
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**EXTRAORDINARY EXPENSE/CONFLICT**

**CORE**

- Travel, In-State
- Travel, Out-of-State
- Fuel & Utilities
- Supplies
- Professional Development
- Communication Serv & Supp
- Professional Services
- Housekeeping & Janitorial Serv
- M&R Services
- Computer Equipment
- Office Equipment
- Building Lease Payments
- Equipment Rentals & Leases
- Miscellaneous Expenses
## Missouri Public Defender

### Decision Item Summary

<table>
<thead>
<tr>
<th>Decision Unit</th>
<th>Budget Item</th>
<th>Budget Object Summary</th>
<th>Fund</th>
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<tr>
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<td>ACTUAL</td>
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</tr>
<tr>
<td></td>
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#### Legal Defense & Defender Fund

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<td>Personal Services</td>
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<td>142,353</td>
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</tr>
<tr>
<td>Expense &amp; Equipment</td>
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<td>2,456,256</td>
<td>2,481,256</td>
<td>0.00</td>
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<td>Total - EE</td>
<td>1,104,711</td>
<td>2,456,256</td>
<td>2,481,256</td>
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<tr>
<td>Program-Specific</td>
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<td>150,000</td>
<td>125,000</td>
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**Grand Total:** $1,303,663 1.99 $2,748,609 2.00 $3,500,019 2.00 $0 0.00

9/23/21 13:53

im_disummary
CORE DECISION ITEM

Department: Missouri State Public Defender
Division: Public Defender
Core Legal Defense & Defender Fund - Core Request
Budget Unit 115141
HB Section HB 12.400

1. CORE FINANCIAL SUMMARY

<table>
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<tr>
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<th>FY 2023 Governor's Recommendation</th>
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<tr>
<td></td>
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<td>GR Federal Other Total</td>
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<td>PS</td>
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<td>EE</td>
<td>0 0 2,606,256 2,606,256</td>
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<td>PSD</td>
<td>0 0 0 0</td>
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<td>TRF</td>
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<tr>
<td>Total</td>
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FTE 0.00 0.00 2.00 2.00

Est. Fringe 0 0 77,311 77,311

Note: Fringes budgeted in House Bill 5 except for certain fringes budgeted directly to MoDOT, Highway Patrol, and Conservation.

Other Funds: Legal Defense and Defender Fund 0670

2. CORE DESCRIPTION

As laws continue to change and turnover of Missouri State Public Defender's staff is significant, training of public defenders and their staff becomes even more critical. The funds in this appropriation are collected from the indigent accused and by statute are used at the discretion of the Director of the State Public Defender for the operation of the department, including, but not limited to, training, Missouri Bar Dues, legal research, one-time equipment purchases, office moves and other critical needs.

3. PROGRAM LISTING (list programs included in this core funding)

There are no separate programs within this appropriation. Dollars collected from Public Defender Clients are utilized to assist in funding the Missouri State Public Defender.
4. FINANCIAL HISTORY

<table>
<thead>
<tr>
<th></th>
<th>FY 2019 Actual</th>
<th>FY 2020 Actual</th>
<th>FY 2021 Actual</th>
<th>FY 2022 Current Yr.</th>
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<tr>
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<td>0</td>
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<tr>
<td>Less Restricted (All Funds)*</td>
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<td>Budget Authority (All Funds)</td>
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Unexpended, by Fund:
- General Revenue 0 0 0 N/A
- Federal 0 0 0 N/A
- Other 0 0 0 N/A

*Current Year restricted amount is $0.00 as of October 1, 2021.

Reverted includes the statutory three percent reserve amount (when applicable).
Restricted includes any Governor’s expenditure restrictions which remained at the end of the fiscal year (when applicable).

NOTES:
This appropriation is the spending authority for funds collected from MSPD clients. MSPD can only spend what is transferred from a prior fiscal year and what is collected during the current fiscal year. (Up to the ceiling imposed by appropriation.) The expended amount includes transfers from the Office of Administration for employee fringe benefits and HB 5 reimbursements.
## MISSOURI PUBLIC DEFENDER

### DECISION ITEM DETAIL

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<tr>
<th>Budget Unit</th>
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<th>FY 2021</th>
<th>FY 2022</th>
<th>FY 2022</th>
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### LEGAL DEFENSE & DEFENDER FUND

#### CORE

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<td>$2,748,609</td>
<td>2.00</td>
<td>$2,748,609</td>
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### OTHER FUNDS

<table>
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<tr>
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<th>FY 2021 DOLLAR</th>
<th>FY 2021 FTE</th>
<th>FY 2022 DOLLAR</th>
<th>FY 2022 FTE</th>
<th>FY 2023 DOLLAR</th>
<th>FY 2023 FTE</th>
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<td>$0</td>
<td>0.00</td>
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<td>0.00</td>
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<td>$1,303,663</td>
<td>1.99</td>
<td>$2,748,609</td>
<td>2.00</td>
<td>$2,748,609</td>
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**NEW DECISION ITEM**

**Rank:** 2 of 5

**Department:** Missouri State Public Defender  
**Budget Unit:** 15141C
**Division:** Legal Defense and Defender Fund  
**DI Name:** Pay Plan - FY 2022 Cost to Continue  
**DI# 0000013**  
**HB Section:** 12.400

### 1. AMOUNT OF REQUEST

<table>
<thead>
<tr>
<th></th>
<th>FY 2023 Budget Request</th>
<th>FY 2023 Governor's Recommendation</th>
</tr>
</thead>
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<tr>
<td></td>
<td>GR</td>
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<tr>
<td>PS</td>
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<td>0</td>
</tr>
<tr>
<td>EE</td>
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<td>0</td>
</tr>
<tr>
<td>PSD</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>TRF</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td><strong>Total</strong></td>
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</tr>
</tbody>
</table>

| FTE      | 0.00 | 0.00 | 0.00 | 0.00 | FTE | 0.00 | 0.00 | 0.00 | 0.00 |

**Est. Fringe:** 0 | 0 | 473 | 473 | 0 | 0 | 0 | 0 | 0

*Note: Fringes budgeted in House Bill 5 except for certain fringes budgeted directly to MoDOT, Highway Patrol, and Conservation.*

### 2. THIS REQUEST CAN BE CATEGORIZED AS:

- **X** New Legislation  
- **X** Federal Mandate  
- **X** GR Pick-Up  
- **X** Pay Plan  
- **X** New Program  
- **X** Program Expansion  
- **X** Space Request  
- **X** Other:  
- **X** Cost to Continue  
- **X** Equipment Replacement

### 3. WHY IS THIS FUNDING NEEDED? PROVIDE AN EXPLANATION FOR ITEMS CHECKED IN #2. INCLUDE THE FEDERAL OR STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS PROGRAM.

The FY 2022 budget includes appropriation authority for a 2% pay increase for employees beginning January 1, 2022. The remaining six months were unfunded, but the stated intent of the legislature was to provide the funding for FY 2023.
NEW DECISION ITEM
RANK: 2 OF 5

Department: Missouri State Public Defender
Division: Legal Defense and Defender Fund
DI Name: Pay Plan - FY 2022 Cost to Continue
DI# 0000013

4. DESCRIBE THE DETAILED ASSUMPTIONS USED TO DERIVE THE SPECIFIC REQUESTED AMOUNT. (How did you determine that the requested number of FTE were appropriate? From what source or standard did you derive the requested levels of funding? Were alternatives such as outsourcing or automation considered? If based on new legislation, does request tie to TAFP fiscal note? If not, explain why. Detail which portions of the request are one-times and how those amounts were calculated.)

The appropriated amount for the Fiscal Year 2022 pay plan was based on a 2% pay increase for employees beginning January 1, 2022. The Fiscal Year 2023 requested amount is equivalent to the remaining six months in order to provide the core funding necessary for a full fiscal year.

5. BREAK DOWN THE REQUEST BY BUDGET OBJECT CLASS, JOB CLASS, AND FUND SOURCE. IDENTIFY ONE-TIME COSTS.

<table>
<thead>
<tr>
<th>Budget Object Class/Job Class</th>
<th>Dept Req GR DOLLARS</th>
<th>Dept Req GR FTE</th>
<th>Dept Req FED DOLLARS</th>
<th>Dept Req FED FTE</th>
<th>Dept Req OTHER DOLLARS</th>
<th>Dept Req OTHER FTE</th>
<th>Dept Req TOTAL DOLLARS</th>
<th>Dept Req TOTAL FTE</th>
<th>Dept Req One-Time DOLLARS</th>
<th>Dept Req One-Time FTE</th>
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<td>0.0</td>
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**MISSOURI PUBLIC DEFENDER**

**DECISION ITEM DETAIL**

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<th>FY 2021</th>
<th>FY 2022</th>
<th>FY 2022</th>
<th>FY 2023</th>
<th>FY 2023</th>
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<th>*************</th>
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<tbody>
<tr>
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<td>ACTUAL</td>
<td>BUDGET</td>
<td>BUDGET</td>
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<td>DEPT REQ</td>
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<td>DOLLAR</td>
<td>FTE</td>
<td>DOLLAR</td>
<td>FTE</td>
<td>COLUMNS</td>
<td>COLUMNS</td>
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</table>

**LEGAL DEFENSE & DEFENDER FUND**

Pay Plan FY22-Cost to Continue - 0000013

| PROGRAM TECHNICIAN | 0 | 0.00 | 0 | 0.00 | 1,410 | 0.00 | 0 | 0.00 |
| TOTAL - PS | 0 | 0.00 | 0 | 0.00 | 1,410 | 0.00 | 0 | 0.00 |

**GRAND TOTAL**

| GENERAL REVENUE | $0 | 0.00 | $0 | 0.00 | $0 | 0.00 | $0 | 0.00 |
| FEDERAL FUNDS | $0 | 0.00 | $0 | 0.00 | $0 | 0.00 | $0 | 0.00 |
| OTHER FUNDS | $0 | 0.00 | $0 | 0.00 | $1,410 | 0.00 | $0 | 0.00 |
### Training - Legal Defense & Defender Fund

<table>
<thead>
<tr>
<th>Job Class</th>
<th>Number of FTE</th>
<th>FY2022 Core Payroll</th>
<th>FY 2023 Cost to Continue</th>
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</thead>
<tbody>
<tr>
<td>Program Technician</td>
<td>2.00</td>
<td>$142,253.00</td>
<td>$1,410</td>
</tr>
</tbody>
</table>

- **Program Technician**
  - Number of FTE: 2.00
  - FY2022 Core Payroll: $142,253.00
  - FY 2023 Cost to Continue: $1,410
NEW DECISION ITEM

Department: Missouri State Public Defender
Division: Legal Defense and Defender Fund

DI Name: Increase Spending Authority

DI#1151002
HB Section: 12.400

RANK: 3 OF 5

1. AMOUNT OF REQUEST

<table>
<thead>
<tr>
<th></th>
<th>FY 2023 Budget Request</th>
<th>FY 2023 Governor's Recommendation</th>
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</thead>
<tbody>
<tr>
<td></td>
<td>GR Federal Other Total</td>
<td>GR Federal Other Total</td>
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<tr>
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<tr>
<td>FTE</td>
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<td>FTE 0.00 0.00 0.00 0.00</td>
</tr>
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</table>

Est. Fringe: 0 0 0 0 0

Note: Fringes budgeted in House Bill 5 except for certain fringes budgeted directly to MoDOT, Highway Patrol, and Conservation.

2. THIS REQUEST CAN BE CATEGORIZED AS:

- New Legislation
- Federal Mandate
- GR Pick-Up
- Pay Plan
- New Program
- Program Expansion
- Space Request
- Equipment Replacement
- Fund Switch
- Cost to Continue
- Increase Spending Authority

3. WHY IS THIS FUNDING NEEDED? PROVIDE AN EXPLANATION FOR ITEMS CHECKED IN #2. INCLUDE THE FEDERAL OR STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS PROGRAM.

Collections from Public Defender clients continue to increase. This includes fees owed that are intercepted by the Department of Revenue's debt offset program. A corresponding increase in the Legal Defense and Defender Fund spending authority appropriation is required.
NEW DECISION ITEM

RANK: 3 OF 5

Department: Missouri State Public Defender
Division: Legal Defense and Defender Fund

DI Name: Increase Spending Authority
DI#1151002

HB Section: 12.400

4. DESCRIBE THE DETAILED ASSUMPTIONS USED TO DERIVE THE SPECIFIC REQUESTED AMOUNT. (How did you determine that the requested number of FTE were appropriate? From what source or standard did you derive the requested levels of funding? Were alternatives such as outsourcing or automation considered? If based on new legislation, does request tie to TAFP fiscal note? If not, explain why. Detail which portions of the request are one-times and how those amounts were calculated.)

It is estimated up to an additional $750,000 may be collected in FY2023.

5. BREAK DOWN THE REQUEST BY BUDGET OBJECT CLASS, JOB CLASS, AND FUND SOURCE. IDENTIFY ONE-TIME COSTS.

<table>
<thead>
<tr>
<th>Budget Object Class/Job Class</th>
<th>Dept Req GR DOLLARS</th>
<th>DeptReq GR FTE</th>
<th>Dept Req FED DOLLARS</th>
<th>Dept Req FED FTE</th>
<th>Dept Req OTHER DOLLARS</th>
<th>Dept Req OTHER FTE</th>
<th>Dept Req TOTAL DOLLARS</th>
<th>Dept Req TOTAL FTE</th>
<th>Dept Req One-Time DOLLARS</th>
<th>Dept Req One-Time FTE</th>
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<td>Travel, Out-of-State 160</td>
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<td>159,881</td>
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### DECISION ITEM DETAIL

**MISSOURI PUBLIC DEFENDER**

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<th>FY 2022</th>
<th>FY 2022</th>
<th>FY 2023</th>
<th>FY 2023</th>
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<tbody>
<tr>
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#### LEGAL DEFENSE & DEFENDER FUND

**Increased Spending Authority - 1151002**

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<th>FY 2023 DOLLAR</th>
<th>FY 2023 FTE</th>
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<td><strong>GRAND TOTAL</strong></td>
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<td>$0</td>
<td>$750,000</td>
<td>0.00</td>
<td>0.00</td>
</tr>
</tbody>
</table>

**General Revenue**

- **GENERAL REVENUE** | $0 | $0 | $0 | 0.00 | 0.00 |
- **FEDERAL FUNDS** | $0 | $0 | $0 | 0.00 | 0.00 |
- **OTHER FUNDS** | $0 | $0 | $0 | $750,000 | 0.00 | 0.00 |
## DEBT OFFSET ESCROW FUND

### CORE

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<thead>
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<th>FY 2021 Actual</th>
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<th>FY 2022 Budget</th>
<th>FY 2023 DEPT REQ</th>
<th>FY 2023 DEPT REQ</th>
<th>SECURED COLUMN</th>
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### Debt Offset Increased Transfer - 1151004

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### CORE DECISION ITEM

**Department:** Missouri State Public Defender  
**Division:** Public Defender  
**Core:** Debt Offset Escrow Fund  
**Budget Unit:** 115161  
**HB Section:** HB 12.400

#### 1. CORE FINANCIAL SUMMARY

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**FTE**  
0.00  
0.00  
0.00  
0.00

**Est. Fringe**  
0  
0  
0  
0

*Note: Fringes budgeted in House Bill 5 except for certain fringes budgeted directly to MoDOT, Highway Patrol, and Conservation.*

Other Funds: Debt Offset - Funds from DOR's Income Tax Intercept Program

#### 2. CORE DESCRIPTION

As laws continue to change and turnover of Missouri State Public Defender's staff is significant, training of public defenders and their staff becomes even more critical. The funds in this appropriation are collected from the indigent accused and by statute are unused at the discretion of the Director of the State Public Defender System for the operation of the department, including but not limited to training, Missouri Bar Dues, legal research, one-time equipment purchases, office moves and other critical needs.

#### 3. PROGRAM LISTING (list programs included in this core funding)

There are no separate programs within this appropriation. Dollars collected from Public Defender Clients are utilized to assist in funding the Missouri State Public Defender.
# 4. FINANCIAL HISTORY

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Unexpended, by Fund:
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- Federal: 0 0 0 N/A
- Other: 0 0 0 N/A

*Current Year restricted amount is $0.00 as of October 1, 2021.

Reverted includes the statutory three percent reserve amount (when applicable).
Restricted includes any Governor's expenditure restrictions which remained at the end of the fiscal year (when applicable).

**NOTES:**
## Decision Item Detail

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**NEW DECISION ITEM**

**Department:** Missouri State Public Defender

**Division:** Debt Offset Escrow

**DI Name:** Increased Transfer Authority  
**DI#** 1151004

| HB Section | 12.400 |

**FY 2023 Budget Request**

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**FY 2023 Governor's Recommendation**

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**FTE**

|          | 0.00 | 0.00 | 0.00 | 0.00 |

**Est. Fringe**

|          | 0 | 0 | 0 | 0 |

**Note:** Fringes budgeted in House Bill 5 except for certain fringes budgeted directly to MoDOT, Highway Patrol, and Conservation.

Other Funds: Debt Offset Escrow T367

Non-Counts:

**2. THIS REQUEST CAN BE CATEGORIZED AS:**

- [ ] New Legislation
- [ ] Federal Mandate
- [ ] GR Pick-Up
- [X] Pay Plan
- [ ] New Program
- [ ] Program Expansion
- [ ] Space Request
- [ ] Fund Switch
- [ ] Cost to Continue
- [ ] Equipment Replacement
- [ ] Increase Transfer Authority
NEW DECISION ITEM

Department: Missouri State Public Defender
Division: Debt Offset Escrow
DI Name: Increased Transfer Authority
DI# 1151004

RANK: 5 OF 5

3. WHY IS THIS FUNDING NEEDED? PROVIDE AN EXPLANATION FOR ITEMS CHECKED IN #2. INCLUDE THE FEDERAL OR STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS PROGRAM.

When MSPD fees are intercepted from prior client's Missouri State Income Tax refunds, the Department of Revenue places the intercepted dollars in a temporary escrow fund. MSPD's FY2021 appropriation (spending authority) from this fund is currently set at $1,700,000. As the intercepts exceeded the appropriation limit in FY2021 by approximately $870,000, that $870,000 was transferred at the beginning of FY2022. This transfer at the beginning of FY2022, will cause the FY2022 appropriation to be insufficient. If the collection of fees remains constant from FY2021 to FY2022, the insufficiency will be doubled.

The statutory authority for setting off debts owed to the State of Missouri against tax refunds is RSMo.143.786.

4. DESCRIBE THE DETAILED ASSUMPTIONS USED TO DERIVE THE SPECIFIC REQUESTED AMOUNT. (How did you determine that the requested number of FTE were appropriate? From what source or standard did you derive the requested levels of funding? Were alternatives such as outsourcing or automation considered? If based on new legislation, does request tie to TAFP fiscal note? If not, explain why. Detail which portions of the request are one-times and how those amounts were calculated.)

It is estimated up to an additional $750,000 may be placed in escrow by the Department of Revenue in FY2023.

5. BREAK DOWN THE REQUEST BY BUDGET OBJECT CLASS, JOB CLASS, AND FUND SOURCE. IDENTIFY ONE-TIME COSTS.

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<th>Dept Req GR FTE</th>
<th>Dept Req FED DOLLARS</th>
<th>Dept Req FED FTE</th>
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## MISSOURI PUBLIC DEFENDER

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### MISSOURI PUBLIC DEFENDER

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**Statutory Language Change - 1151003**

| **EXPENSE & EQUIPMENT** | |        |         |         |         |         |          |          |         |         |
|             |               |        |         |         |         |         |          |          |         |         |
| PUBLIC DEFENDER-FEDERAL & OTHR | | 0 | 0.00 | 0 | 0.00 | 500,000 | 0.00 | 0 | 0.00 | 0 |
| TOTAL - EE | | 0 | 0.00 | 0 | 0.00 | 500,000 | 0.00 | 0 | 0.00 | 0 |
| **TOTAL**   |               | 0 | 0.00 | 0 | 0.00 | 500,000 | 0.00 | 0 | 0.00 | 0 |

**GRAND TOTAL**

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### CORE DECISION ITEM

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#### 1. CORE FINANCIAL SUMMARY

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<th>FY 2023 Governor's Recommendation</th>
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**FTE**

0.00  0.00  0.00  0.00

**Est. Fringe**

0  0  0  0

- **Note:** Fringes budgeted in House Bill 5 except for certain fringes budgeted directly to MoDOT, Highway Patrol, and Conservation.

**Other Funds:**

- MacArthur Foundation, Counties, Federal, and Other

**2. CORE DESCRIPTION**

Appropriation is requested to have spending authority should Federal or Other Funds become available during Fiscal Year 2023 to assist in funding the Missouri State Public Defender.

**3. PROGRAM LISTING**

There are no separate programs within this appropriation. Dollars made available to this fund will assist in funding the Missouri State Public Defender.
### 4. FINANCIAL HISTORY

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<tr>
<th></th>
<th>FY 2019 Actual</th>
<th>FY 2020 Actual</th>
<th>FY 2021 Actual</th>
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Unexpended, by Fund:
- General Revenue: 0 0 0 N/A
- Federal: 0 0 0 N/A
- Other: 0 0 0 N/A

*Current Year restricted amount is $0.00 as of October 1, 2021.

Reverted includes the statutory three percent reserve amount (when applicable).
Restricted includes any Governor’s expenditure restrictions which remained at the end of the fiscal year (when applicable).

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<th>FY 2022</th>
<th>FY 2023</th>
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## NEW DECISION ITEM

**Department:** Missouri State Public Defender  
**Division:** Federal and Other Fund  
**DI Name:** Statutory Language Change  
**HB Section:** 12.400

### FY 2023 Budget Request

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### FY 2023 Governor’s Recommendation

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### Est. Fringe

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</table>

*Note: Fringes budgeted in House Bill 5 except for certain fringes budgeted directly to MoDOT, Highway Patrol, and Conservation.*

### Other Funds: Federal and Other Fund 0112

### Non-Counts:

- New Legislation
- Federal Mandate
- GR Pick-Up
- Pay Plan

### Other:

- Statutory Language Change/Increase Spending Authority

### 2. THIS REQUEST CAN BE CATEGORIZED AS:

- New Program
- Program Expansion
- Space Request
- Equipment Replacement
- Statutory Language Change/Increase Spending Authority

### 3. WHY IS THIS FUNDING NEEDED? PROVIDE AN EXPLANATION FOR ITEMS CHECKED IN #2. INCLUDE THE FEDERAL OR STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS PROGRAM.

MSPD is requesting a $500,000 to increase spending authority should Federal, gifts, or other funds become available during Fiscal Year 2023. Funds would be used at the discretion of the Director or the State Public Defender Commission for the operation of the department, including, but not limited to, training, legal research, one-time equipment purchases, office moves, private attorney fees or other critical needs.
**NEW DECISION ITEM**

**Department:** Missouri State Public Defender  
**Division:** Federal and Other Fund  
**DI Name:**  
**Statutory Language Change:**  
**DI#** 1151003  
**HB Section:** 12.400

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<th>Dept Req GR FTE</th>
<th>Dept Req FED DOLLARS</th>
<th>Dept Req FED FTE</th>
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4. **DESCRIBE THE DETAILED ASSUMPTIONS USED TO DERIVE THE SPECIFIC REQUESTED AMOUNT.** (How did you determine that the requested number of FTE were appropriate? From what source or standard did you derive the requested levels of funding? Were alternatives such as outsourcing or automation considered? If based on new legislation, does request tie to TAFP fiscal note? If not, explain why. Detail which portions of the request are one-times and how those amounts were calculated.)

It is estimated up to an additional $500,000 may be available in FY2023.

5. **BREAK DOWN THE REQUEST BY BUDGET OBJECT CLASS, JOB CLASS, AND FUND SOURCE. IDENTIFY ONE-TIME COSTS.**
## Statutory Language Change - 1151003

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