

# Compendium of Budget Information for the 2014 General Session

## Infrastructure and General Government Appropriations Subcommittee

### Agency: Administrative Services

### Line Item: Post Conviction Indigent Defense

#### Function

The Legislature appropriated funds to the Division of Finance pursuant to UCA 77-32-601. This section of code allows persons convicted to the death sentence to challenge the conviction and have counsel appointed. If a defendant requests counsel and is determined by the court to be indigent, costs of counsel and other reasonable litigation expenses incurred in providing the representation must be paid from state funds by the Division of Finance.

The program was managed by the Attorney General's office for a period of time but was moved into a separate line item to avoid the appearance of a conflict resulting from the AG prosecuting individuals while directly funding their defense. Funds are housed in the Division of Finance for administrative purposes only.

#### Intent Language

*Under Section 63J-1-603 of the Utah Code the Legislature intends that appropriations provided for Post Conviction in Item 20 of Chapter 12 Laws of Utah 2012 not lapse at the close of Fiscal Year 2013. The use of any nonlapsing funds is limited to the following: Legal costs for death row inmates - \$150,000.*

#### Funding Detail

This program has operated on carry-forward balances since FY 2002; however, in FY 2009 the Legislature appropriated \$39,400 ongoing General Fund, which has subsequently been adjusted by the Legislature due to funding constraints. The program has also received one-time supplemental appropriations as needed to pay expected costs.

Sources of Finance	2013 Actual	2014 Approp	2014 Change	2014 Revised	2015 Change	2015 Approp
General Fund	\$33,900	\$33,900	\$0	\$33,900	\$0	\$33,900
General Fund, One-time	\$0	\$0	\$100,000	\$100,000	(\$100,000)	\$0
Beginning Nonlapsing	\$107,700	\$51,600	(\$1,400)	\$50,200	(\$50,200)	\$0

Closing Nonlapsing	(\$50,200)	\$0	\$7,300	\$7,300	(\$7,300)	\$0
<b>Total</b>	<b>\$91,400</b>	<b>\$85,500</b>	<b>\$105,900</b>	<b>\$191,400</b>	<b>(\$157,500)</b>	<b>\$33,900</b>

Programs	2013 Actual	2014 Approp	2014 Change	2014 Revised	2015 Change	2015 Approp
Post Conviction Indigent Defense Fund	\$91,400	\$85,500	\$105,900	\$191,400	(\$157,500)	\$33,900
<b>Total</b>	<b>\$91,400</b>	<b>\$85,500</b>	<b>\$105,900</b>	<b>\$191,400</b>	<b>(\$157,500)</b>	<b>\$33,900</b>

Categories of Expenditure	2013 Actual	2014 Approp	2014 Change	2014 Revised	2015 Change	2015 Approp
In-state Travel	\$0	\$0	\$0	\$0	\$0	\$0
Current Expense	\$91,400	\$85,500	\$105,900	\$191,400	(\$157,500)	\$33,900
<b>Total</b>	<b>\$91,400</b>	<b>\$85,500</b>	<b>\$105,900</b>	<b>\$191,400</b>	<b>(\$157,500)</b>	<b>\$33,900</b>

COBI contains unaudited data as presented to the Legislature by state agencies at the time of publication. For audited financial data see the State of Utah's Comprehensive Annual Financial Reports.