



INDIGENT DEFENSE

BUILDING BLOCK PRIORITY 1

\$1,505,000 ONGOING APPROPRIATION FY19

FUNDING SOURCE: INDIGENT DEFENSE RESTRICTED

ACCOUNT BY TRANSFERRING MONEY FROM THE GENERAL FUND

Background

The Indigent Defense Commission (IDC) was created in 2016 to assist the State in meeting its Constitutional obligations to ensure the effective assistance of defense counsel to indigent people charged with offenses carrying any possibility of incarceration. And in 2017, the IDC’s mandate expanded to juvenile delinquency defense and parental defense in child welfare proceedings.

Before the IDC, Utah’s local governments solely provided indigent defense services without state guidance, oversight, or funding. All 29 Counties and 150+ cities prosecute cases and are therefore obligated to provide indigent defense services. The IDC now partners with local governments to help ensure their services meet constitutional muster.

The IDC depends on state appropriations to fund its improvements to local indigent defense systems. A significant, ongoing state commitment to indigent defense is critical to the IDC’s work and ensuring the state’s Constitutional obligations.

Recommendation

The Governor recommends an ongoing appropriation of \$1,505,000 to support the IDC’s grants. This includes \$1,454,700 additional ongoing money to supplement the IDC’s existing \$545,300 ongoing appropriation. An additional \$50,000 in ongoing money will supplement IDC staff operations to hire a Conflict Administrator to coordinate local services and ensure defense counsel is not compromised by conflicts of interest. Funding this request will ensure the state continues to be an active partner to guide and support local governments.

