

FISCAL NOTE

Requested by Legislative Council
12/22/2008

Bill/Resolution No.: HB 1107

1A. State fiscal effect: *Identify the state fiscal effect and the fiscal effect on agency appropriations compared to funding levels and appropriations anticipated under current law.*

	2007-2009 Biennium		2009-2011 Biennium		2011-2013 Biennium	
	General Fund	Other Funds	General Fund	Other Funds	General Fund	Other Funds
Revenues	\$0	\$0	\$0	\$0	\$0	\$0
Expenditures	(\$500)	\$0	(\$500)	\$0	(\$500)	\$0
Appropriations	\$0	\$0	\$0	\$0	\$0	\$0

1B. County, city, and school district fiscal effect: *Identify the fiscal effect on the appropriate political subdivision.*

2007-2009 Biennium			2009-2011 Biennium			2011-2013 Biennium		
Counties	Cities	School Districts	Counties	Cities	School Districts	Counties	Cities	School Districts
\$500	\$0	\$0	\$500	\$0	\$0	\$500	\$0	\$0

2A. Bill and fiscal impact summary: *Provide a brief summary of the measure, including description of the provisions having fiscal impact (limited to 300 characters).*

This bill deals with indigent defense attorney fees, expenses. It addresses payment of fees for indigent persons prosecuted for home rule county ordinance violations. It modifies the methodology in the way attorney fees are determined for recoupment. We do not foresee significant fiscal impact.

B. Fiscal impact sections: *Identify and provide a brief description of the sections of the measure which have fiscal impact. Include any assumptions and comments relevant to the analysis.*

Sections 1 and 4. Requires home rule counties to pay for indigent defense costs (in the same way that municipalities pay for indigent defense costs for the violation of their own ordinances). Contract attorneys have handled an average of 2 to 3 of these cases per year, at a maximum of approximately \$500 per year.

Sections 2 through 4. Provides a new methodology for recoupment of the costs of attorney fees and expenses provided for indigent clients. One goal of the legislative change is to promote a consistent way to determine recoupment amounts across the state. However, it cannot be determined whether this legislation change would result in more or less money being recouped. Our guess is that there will be minimal fiscal impact, and if there is one, it would be that more money will be collected as the Courts may find the fees easier to assess.

3. State fiscal effect detail: *For information shown under state fiscal effect in 1A, please:*

A. Revenues: *Explain the revenue amounts. Provide detail, when appropriate, for each revenue type and fund affected and any amounts included in the executive budget.*

B. Expenditures: *Explain the expenditure amounts. Provide detail, when appropriate, for each agency, line item, and fund affected and the number of FTE positions affected.*

The commission has paid no more than \$500 per year on these matters. Contract attorneys in districts with home rule counties have taken these cases as part of their contract to provide indigent defense services. No FTE positions are affected.

C. Appropriations: *Explain the appropriation amounts. Provide detail, when appropriate, for each agency and fund affected. Explain the relationship between the amounts shown for expenditures and appropriations. Indicate whether the appropriation is also included in the executive budget or relates to a*

continuing appropriation.

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