

SF3712 - 0 - Public Defender Law Modified

Chief Author: **Ron Latz**  
 Committee: **Judiciary And Public Safety**  
 Date Completed: **2/26/2024 1:55:14 PM**  
 Lead Agency: **Public Defense Board**  
 Other Agencies:  
     Supreme Court

State Fiscal Impact	Yes	No
Expenditures		X
Fee/Departmental Earnings	X	
Tax Revenue		X
Information Technology		X
<b>Local Fiscal Impact</b>		
		X

This table shows direct impact to state government only. Local government impact, if any, is discussed in the narrative. Reductions shown in the parentheses.

State Cost (Savings) Dollars in Thousands	Biennium			Biennium	
	FY2023	FY2024	FY2025	FY2026	FY2027
<b>Public Defense Board</b>					
General Fund	-	-	351	351	351
Restrict Misc. Special Revenue	-	-	-	-	-
<b>Supreme Court</b>					
General Fund	-	-	778	778	778
<b>State Total</b>					
General Fund	-	-	1,129	1,129	1,129
Restrict Misc. Special Revenue	-	-	-	-	-
<b>Total</b>	<b>-</b>	<b>-</b>	<b>1,129</b>	<b>1,129</b>	<b>1,129</b>
<b>Biennial Total</b>			<b>1,129</b>		<b>2,258</b>

Full Time Equivalent Positions (FTE)	Biennium			Biennium	
	FY2023	FY2024	FY2025	FY2026	FY2027
<b>Public Defense Board</b>					
General Fund	-	-	-	-	-
Restrict Misc. Special Revenue	-	-	-	-	-
<b>Supreme Court</b>					
General Fund	-	-	-	-	-
<b>Total</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>

**Lead LBO Analyst's Comment**

I have reviewed this fiscal note for reasonableness of content and consistency with the LBO's Uniform Standards and Procedures.

**LBO Signature:** Karen McKey    **Date:** 2/26/2024 1:55:14 PM  
**Phone:** 651-284-6429    **Email:** karen.mckey@lbo.mn.gov

**State Cost (Savings) Calculation Details**

This table shows direct impact to state government only. Local government impact, if any, is discussed in the narrative. Reductions are shown in parentheses.

\*Transfers In/Out and Absorbed Costs are only displayed when reported.

<b>State Cost (Savings) = 1-2</b>		<b>Biennium</b>			<b>Biennium</b>	
Dollars in Thousands		<b>FY2023</b>	<b>FY2024</b>	<b>FY2025</b>	<b>FY2026</b>	<b>FY2027</b>
<b>Public Defense Board</b>						
General Fund		-	-	351	351	351
Restrict Misc. Special Revenue		-	-	-	-	-
<b>Supreme Court</b>						
General Fund		-	-	778	778	778
<b>Total</b>		<b>-</b>	<b>-</b>	<b>1,129</b>	<b>1,129</b>	<b>1,129</b>
<b>Biennial Total</b>				<b>1,129</b>		<b>2,258</b>
<b>1 - Expenditures, Absorbed Costs*, Transfers Out*</b>						
<b>Public Defense Board</b>						
General Fund		-	-	351	351	351
Restrict Misc. Special Revenue		-	-	(351)	(351)	(351)
<b>Supreme Court</b>						
<b>General Fund</b>						
Expenditures		-	-	-	-	-
Transfers Out		-	-	(351)	(351)	(351)
<b>Total</b>		<b>-</b>	<b>-</b>	<b>(351)</b>	<b>(351)</b>	<b>(351)</b>
<b>Biennial Total</b>				<b>(351)</b>		<b>(702)</b>
<b>2 - Revenues, Transfers In*</b>						
<b>Public Defense Board</b>						
General Fund		-	-	-	-	-
Restrict Misc. Special Revenue		-	-	(351)	(351)	(351)
<b>Supreme Court</b>						
General Fund		-	-	(1,129)	(1,129)	(1,129)
<b>Total</b>		<b>-</b>	<b>-</b>	<b>(1,480)</b>	<b>(1,480)</b>	<b>(1,480)</b>
<b>Biennial Total</b>				<b>(1,480)</b>		<b>(2,960)</b>

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 Agency: **Public Defense Board**

State Fiscal Impact	Yes	No
Expenditures		X
Fee/Departmental Earnings	X	
Tax Revenue		X
Information Technology		X
Local Fiscal Impact		X

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State Cost (Savings)	Biennium			Biennium		
	Dollars in Thousands	FY2023	FY2024	FY2025	FY2026	FY2027
General Fund	-	-	351	351	351	
Restrict Misc. Special Revenue	-	-	-	-	-	-
<b>Total</b>	-	-	<b>351</b>	<b>351</b>	<b>351</b>	<b>351</b>
<b>Biennial Total</b>			<b>351</b>			<b>702</b>

Full Time Equivalent Positions (FTE)	Biennium			Biennium	
	FY2023	FY2024	FY2025	FY2026	FY2027
General Fund	-	-	-	-	-
Restrict Misc. Special Revenue	-	-	-	-	-
<b>Total</b>	-	-	-	-	-

**LBO Analyst's Comment**

I have reviewed this fiscal note for reasonableness of content and consistency with the LBO's Uniform Standards and Procedures.

**LBO Signature:** Karen McKey    **Date:** 2/26/2024 1:53:28 PM  
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**State Cost (Savings) Calculation Details**

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\*Transfers In/Out and Absorbed Costs are only displayed when reported.

<b>State Cost (Savings) = 1-2</b>		<b>Biennium</b>			<b>Biennium</b>	
<b>Dollars in Thousands</b>	<b>FY2023</b>	<b>FY2024</b>	<b>FY2025</b>	<b>FY2026</b>	<b>FY2027</b>	
General Fund	-	-	351	351	351	
Restrict Misc. Special Revenue	-	-	-	-	-	
<b>Total</b>	<b>-</b>	<b>-</b>	<b>351</b>	<b>351</b>	<b>351</b>	
<b>Biennial Total</b>			<b>351</b>		<b>702</b>	
<b>1 - Expenditures, Absorbed Costs*, Transfers Out*</b>						
General Fund	-	-	351	351	351	
Restrict Misc. Special Revenue	-	-	(351)	(351)	(351)	
<b>Total</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	
<b>Biennial Total</b>			<b>-</b>		<b>-</b>	
<b>2 - Revenues, Transfers In*</b>						
General Fund	-	-	-	-	-	
Restrict Misc. Special Revenue	-	-	(351)	(351)	(351)	
<b>Total</b>	<b>-</b>	<b>-</b>	<b>(351)</b>	<b>(351)</b>	<b>(351)</b>	
<b>Biennial Total</b>			<b>(351)</b>		<b>(702)</b>	

**Bill Description**

Under existing language public defenders can be ordered to pay a \$75 co-payment as well as partial reimbursement for public defender services rendered. The bill would repeal both the co-payment and the reimbursement.

**Assumptions**

Revenue from the \$75 co-payment is deposited in the state's general fund. According to the last information received from the Courts the co-payment generates approximately \$1.1 million per year.

Revenue collected from the reimbursements is annually appropriated to the board to distribute to part time defenders. Funds generated in a judicial district stay within the district and is distributed to the part time defenders in each district.

The board is seeking \$350,000 annually to make up for the loss of the reimbursement revenue and to allot this funding equally among the part time defenders.

**Expenditure and/or Revenue Formula**

**Long-Term Fiscal Considerations**

**Local Fiscal Impact**

**References/Sources**

**Agency Contact:**

**Agency Fiscal Note Coordinator Signature:** Kevin Kajer

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Chief Author: **Ron Latz**  
 Committee: **Judiciary And Public Safety**  
 Date Completed: **2/26/2024 1:55:14 PM**  
 Agency: **Supreme Court**

State Fiscal Impact	Yes	No
Expenditures		X
Fee/Departmental Earnings	X	
Tax Revenue		X
Information Technology		X
Local Fiscal Impact		X

This table shows direct impact to state government only. Local government impact, if any, is discussed in the narrative. Reductions shown in the parentheses.

State Cost (Savings) Dollars in Thousands	Biennium			Biennium	
	FY2023	FY2024	FY2025	FY2026	FY2027
General Fund	-	-	778	778	778
<b>Total</b>	-	-	<b>778</b>	<b>778</b>	<b>778</b>
<b>Biennial Total</b>			<b>778</b>		<b>1,556</b>

Full Time Equivalent Positions (FTE)	Biennium			Biennium	
	FY2023	FY2024	FY2025	FY2026	FY2027
General Fund	-	-	-	-	-
<b>Total</b>	-	-	-	-	-

**LBO Analyst's Comment**

I have reviewed this fiscal note for reasonableness of content and consistency with the LBO's Uniform Standards and Procedures.

**LBO Signature:** Karen McKey    **Date:** 2/26/2024 1:53:46 PM  
**Phone:** 651-284-6429    **Email:** karen.mckey@lbo.mn.gov

**State Cost (Savings) Calculation Details**

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\*Transfers In/Out and Absorbed Costs are only displayed when reported.

<b>State Cost (Savings) = 1-2</b>		Biennium			Biennium	
Dollars in Thousands	FY2023	FY2024	FY2025	FY2026	FY2027	
General Fund	-	-	778	778	778	
<b>Total</b>	-	-	<b>778</b>	<b>778</b>	<b>778</b>	
<b>Biennial Total</b>			<b>778</b>			<b>1,556</b>
<b>1 - Expenditures, Absorbed Costs*, Transfers Out*</b>						
General Fund						
Expenditures	-	-	-	-	-	
Transfers Out	-	-	(351)	(351)	(351)	
<b>Total</b>	-	-	<b>(351)</b>	<b>(351)</b>	<b>(351)</b>	
<b>Biennial Total</b>			<b>(351)</b>			<b>(702)</b>
<b>2 - Revenues, Transfers In*</b>						
General Fund						
	-	-	(1,129)	(1,129)	(1,129)	
<b>Total</b>	-	-	<b>(1,129)</b>	<b>(1,129)</b>	<b>(1,129)</b>	
<b>Biennial Total</b>			<b>(1,129)</b>			<b>(2,258)</b>

**Bill Description**

This bill amends section 611.17 (public defender eligibility) to remove all references to a public defender copayment obligation.

The bill amends a number of other provisions in chapter 611 to modify the structure and operation of the Board of Public Defense and the statewide public defender system, including eliminating the references to the ad hoc Board of Public Defense and Board responsibility over other court-appointed counsel, removing term limits for the state public defender and chief appellate public defender and establishing standards for removal, eliminating outdated provisions, and clarifying other responsibilities and obligations.

The bill repeals section 611.20, subdivisions 3, 4 (public defender reimbursement and ability to pay), and 7 (income withholding); 611.25, subdivision 3; and section 611.27, subdivisions 6, 9, and 12. There is no effective date.

**Assumptions**

Although it is unclear with the elimination of paragraph (a) which agency or entity will have financial responsibility for costs of representation under section 611.27, subdivision 16, it is assumed that the judicial branch will not be financially responsible.

It is assumed that judges may continue to order defendants in criminal cases to make partial public defender payments under section 611.20, subdivision 2. It is also assumed that due to the repeal of subdivision 3, which requires the commissioner of management and budget to deposit any payments under section 611.20 in a special revenue fund and credit them to a separate account with the Board of Public Defense, any funds collected by the court will be deposited in the general fund and the court would no longer provide reports to the commissioner of management and budget regarding these funds.

**Expenditure and/or Revenue Formula**

Based on 5 fiscal years of judicial branch data, an average of \$1,129,021 is collected annually as public defender copayment under section 611.17, and an average of \$351,045 is collected annually as public defender reimbursement under section 611.20.

Under the provisions of this bill eliminating the public defender copayment, approximately \$1,129,021 will no longer be collected and credited to the general fund each year.

The annual public defender reimbursement amount (approximately \$351,045 per year) may remain the same or may increase or decrease, and will be credited to the general fund instead of the special revenue fund.

**Long-Term Fiscal Considerations**

None

**Local Fiscal Impact**

**References/Sources**

**Agency Contact:**

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