

HB

627

Feb 1, 1980 Anch Times

# Short funds limit public defense

Associated Press

Juneau — The chief of the state Public Defenders agency told lawmakers Thursday that his office is extremely underfunded, with individual lawyers assigned roughly 2,600 cases a year.

"We're very underfunded...we're at 71 percent of the national standard," Brian Shortell told the House Judiciary Committee. His budget request for this year was cut by the Legislature, and Shortell said he was forced to eliminate all merit increases for his staff.

Shortell also told the panel the state should consider setting up a second agency to handle "conflict cases." Those are cases which the

Public Defender's office cannot handle because of ethical conflicts.

For example, if two people are charged with the same burglary and one of the defendants places the blame on the other defendant, the Public Defender staff could not represent both clients, Shortell said.

During the past few years the state has contracted with private attorneys to handle conflict cases, at a cost of nearly \$1 million a year.

Shortell said the cost of hiring a private lawyer to defend an indigent client is nearly double what it costs the Public Defender's office to handle the same client.

In an attempt to find a solution to that problem, Rep. Charlie Parr,

D-Fairbanks, has introduced a bill to set up a separate section within the Public Defender's office to handle conflict cases.

But Shortell said Parr's bill does not go far enough. He said conflict cases should be handled by a completely separate agency headed up by a different chief and funded separately from the current agency.

On a related subject, Shortell recommended the committee approve a bill introduced by the governor to require municipalities to pick up the tab for both prosecution and defense costs stemming from misdemeanor criminal cases.

At present municipalities are required to pay only prosecution costs, while the state pays for the defense of indigent clients. The change would cost Anchorage an estimated \$250,000 to \$300,000, he said, and

somewhat less for other cities depending on their size.

"Municipalities are famous for passing unconstitutional ordinances," Shortell said, such as "street sweeper" ordinances aimed at getting undesirables off city streets.

Shortell said if the municipalities knew they had to pay for both prosecution and defense costs they would take a closer look at their ordinances.

Several committee members disagreed with Shortell and said they think the state should continue to pick up the tab.

The panel did not take action on either bill.

THE LEGISLATURE OF THE STATE OF ALASKA  
ELEVENTH LEGISLATURE

FISCAL NOTE

I. REQUEST

Bill/Resolution No. HB 627  
 Title An Act relating to the Public Defender Agency  
 Requested by House Judiciary Date Feb. 5, 1980

II. FISCAL DETAIL

Agency Affected Dept. of Administratio..  
 Program Category Affected Administration of Justice  
 Budget Request Unit(s) Affected Public Defender Agency

EXPENDITURES (Thousands of Dollars)

	FY 79	FY 80	FY 81	FY 82	FY 83	FY 84
100 PERSONAL SERVICES			489.6			
200 TRAVEL			28.7			
300 CONTRACTUAL			109.5			
400 COMMODITIES			7.8			
500 EQUIPMENT			21.0			
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS, ETC.						
TOTAL			656.6			

FUNDING (Thousands of Dollars)

GENERAL FUND			656.6			
FEDERAL FUNDS						
OTHER (Specify)						

POSITIONS

FULL TIME			15			
PART TIME						
TEMPORARY						

III. ANALYSIS (See Fiscal Note Preparation Instructions, Section III)

This Fiscal Note has been prepared in accordance with Brian Shortell's testimony to House Judiciary (1/31/80). This testimony assumed that the conflict defender will not be part of the existing Public Defender Agency.

First Judicial Dist.:	Third Judicial Dist.:	Fourth Judicial Dist.:
Attorney III	Attorney IV	Attorney III
Investigator II	2- Attorney III	Investigator II
Leg. Secty. I	Attorney II	Leg. Secty. I
	Investigator II	
	2- Leg. Secty. I	Admin. & Support:
		Admin. Officer I
		Acctg. Tech. I

IV. DATE Feb. 5, 1980 PREPARED BY Bob Stokes, Admin. Officer  
 AGENCY Public Defender Agency  
 PHONE 279-7541

Original: Legislative Finance  
 cc: Budget and Management  
 Prime Sponsor (First Legislator Named) ✓