

# FISCAL NOTE

April 11, 2018

<b>Bill No:</b>	SB 61	<b>Printer's No:</b>	42	<b>Sponsor:</b>	Greenleaf (R)
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### COST / (SAVINGS)

Fund (s)	2017-18	2018-19
General Fund	See "FISCAL IMPACT"	See "FISCAL IMPACT"

**SUMMARY:** This bill is a freestanding act establishing the Pennsylvania Center for Effective Indigent Defense Legal Representation.

**ANALYSIS:** Senate Bill 61 would establish the Pennsylvania Center for Effective Indigent Defense Legal Representation. The board of directors for the center would consist of seven directors, which must be a representative of the criminal defense bar of the commonwealth pursuant to the following criteria:

- A county chief public defender, appointed by the Pennsylvania chief justice from a list of three recommendations from the Public Defender Association of Pennsylvania (PDAP).
- An attorney of the Juvenile Defenders Association of Pennsylvania (JDAP) from a list of three recommendations from the JDAP.
- A member or a staff member of the Interbranch Commission for Gender, Racial and Ethnic Fairness, appointed by the Pennsylvania chief justice from a list of three recommendations from the Interbranch Commission for Gender, Racial and Ethnic Fairness.
- An attorney member of the Pennsylvania Association of Criminal Defense Lawyers (PACDL) with public defender experience, appointed by the Governor from a list of three recommendations from the PACDL.
- Two members from the law school academic community with a background in public defense legal services, appointed by the Governor.
- An attorney with capital case indigent defense trial, appellate or postconviction experience associated with the Pennsylvania Innocence Project (PaIP) at Temple University Beasley School of Law, appointed by the Governor from a list of three recommendations from the PaIP at Temple University Beasley School of Law.

The directors would be prohibited from receiving any compensation, including per diem for serving on the board. However, directors may be reimbursed for travel and living expenses. Each director would serve a term on the board, as defined under this act. A director on the board would be designated to oversee the operation of the center.

The board would be required to employ an executive director, establish the salary for all employees, oversee the operation of the center, prepare an annual budget and solicit funds for the operation of the center. The board would also be required to develop and provide continuing

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education and training programs for public defender staff attorneys, assigned counsel and contract public defenders who represent indigent criminal defendants, establish and maintain programs for capital case defense skills training, adult criminal defense training, juvenile delinquency defense training and management and leadership training for chief defenders and public defender office leaders, as well as others as defined under this act.

The center would be an independent agency of the commonwealth and may become affiliated with a law school located in within the commonwealth. The bill would appropriate \$1 million for the Pennsylvania Center for Effective Indigent Defense Legal Representation to fund the program's general operations. This appropriation would be in addition to and may not be substituted, for any monies appropriated or otherwise made available by the commonwealth or a political subdivision for any purpose that includes criminal defense funding. The board of directors would be permitted to promulgate regulations to fulfill the responsibilities of this act.

This act would be effective immediately upon passage.

**FISCAL IMPACT:** The bill would appropriate \$1,000,000 for the Pennsylvania Center for Effective Indigent Defense Legal Representation in 2017-18. There is no supplemental funding appropriated for this program in the 2018-2019 Governor's Executive Budget. The center would incur additional costs to employ an executive director and other personnel, as defined under this act.