

SENATE APPROPRIATIONS COMMITTEE FISCAL NOTE

BILL NO. Senate Bill 658

PRINTER NO. 2070

AMOUNT

See Fiscal Impact

FUND

General Fund

DATE INTRODUCED

May 17, 2019

PRIME SPONSOR

Senator Browne

DESCRIPTION AND PURPOSE OF BILL

Senate Bill 658 establishes a freestanding act known and cited as the Center for Effective Indigent Defense Legal Representation Act.

According to the provisions of the legislation, the board of directors of the Center for Effective Indigent Defense Legal Representation (center) shall be representative of the criminal defense bar and shall consist of seven individuals meeting the following criteria:

- A county chief public defender, appointed by the Chief Justice of Pennsylvania from a list of three recommendations from the Public Defender Association of Pennsylvania (PDAP);
- An attorney member of the Juvenile Defenders Association of Pennsylvania (JDAP), appointed by the Chief Justice of Pennsylvania 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 Chief Justice of Pennsylvania 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; and
- An attorney with capital case indigent defense trial, appellate or post-conviction 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.

A chairperson and vice chairperson would be annually elected by a majority vote of the voting members.

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The board members shall not receive any compensation, including a per diem allowance, but shall be reimbursed for actual and necessary expenses including travel and living expenses while engaged in center business. A board member shall oversee the operation of the center. A board member may be removed for just cause by the appointing authority.

The legislation establishes certain general powers of the board, including employing an executive director and other staff necessary to carry out its duties. The executive director shall serve at the pleasure of the board.

Duties and responsibilities of the center include the following:

- Develop and provide continuing education, training and skill development programs for public defender staff attorneys, assigned counsel, contract public defenders and other counsel 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, public defender office leaders and other counsel who represent indigent criminal defendants;
- Establish a virtual defender training library consisting of all of the programs generated by the training programs sponsored through the center; and
- Contract with one or more nonprofit organizations to assist the center in providing any of its duties and responsibilities.

The center shall be an independent agency of the Commonwealth and may become affiliated with a law school located in this Commonwealth.

This act shall take effect immediately.

FISCAL IMPACT:

Enactment of this legislation will have no fiscal impact on Commonwealth funds during the current fiscal year, assuming the center is not fully functional until FY 2021-22.

For fiscal year 2021-22, the center will cost approximately \$1,559,245 and \$1,278,245 annually thereafter. The costs are based on an estimated seven employees consisting of the following:

- Executive Director;
- Assistant Director;
- Secretary/Administrative Assistant;
- Two Staff Attorneys; and
- Two Paralegals.

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The cost breakout is as follows:

Description	Cost
Start-up Costs	
Furniture	\$70,000
Office Equipment	\$6,000
Communications Equipment	\$10,000
Electronics/Computers	\$170,000
Office Fit-Out Costs	\$25,000
Total Projected Start-up	\$281,000
Recurring Costs	
Payroll & Benefits	\$1,073,520
Operating	\$200,000
Travel	\$4,725
Total Recurring	\$1,278,245
TOTAL	\$1,559,245

Additionally, the legislation provides for board members to be reimbursed for actual and necessary expenses including travel and living expenses while engaged in center business. The IRS mileage reimbursement rate for 2020 is \$0.575 per mile. Assuming the board meets in Harrisburg for two meetings per year and is made up of members from around the Commonwealth, the estimated travel expenses will be \$4,725 annually.