

**LEGISLATIVE FISCAL OFFICE**  
**Fiscal Note**



Fiscal Note On: **HB 413** HLS 17RS 63  
 Bill Text Version: **ENGROSSED**  
 Opp. Chamb. Action:  
 Proposed Amd.:  
 Sub. Bill For.:

<b>Date:</b> May 24, 2017 6:25 AM	<b>Author:</b> LEGER
<b>Dept./Agy.:</b> Executive Dept./LA Public Defender Board	<b>Analyst:</b> Zachary Rau
<b>Subject:</b> Funding Formula for LA Public Defender Fund	

INDIGENT DEFENSE EG -\$9,813,259 GF RV See Note Page 1 of 1  
 Provides relative to the funding of public defenders

Present law provides for the LA Public Defender Fund. Proposed law requires the Dept. of Treasury to deposit \$49,000 in the LA Public Defender Fund for each district public defender and \$44,000 for every position allocated pursuant to LA R.S. 16:51. Proposed law requires the LA Public Defender Board to allocate the funds to district defender offices statewide and further allows district defenders to reallocate funds within their district offices. Proposed law does not guarantee a level of funding for a district office. Proposed law provides that the amount of money deposited in the LA Public Defender Fund pursuant to proposed law shall comprise 65% of the fund's total appropriation in a given fiscal year.

<b>EXPENDITURES</b>	<b>2017-18</b>	<b>2018-19</b>	<b>2019-20</b>	<b>2020-21</b>	<b>2021-22</b>	<b>5 -YEAR TOTAL</b>
State Gen. Fd.	\$0	\$0	\$0	\$0	\$0	<b>\$0</b>
Agy. Self-Gen.	\$0	\$0	\$0	\$0	\$0	<b>\$0</b>
Ded./Other	\$0	\$0	\$0	\$0	\$0	<b>\$0</b>
Federal Funds	\$0	\$0	\$0	\$0	\$0	<b>\$0</b>
Local Funds	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>	<b>\$0</b>
<b>Annual Total</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

  

<b>REVENUES</b>	<b>2017-18</b>	<b>2018-19</b>	<b>2019-20</b>	<b>2020-21</b>	<b>2021-22</b>	<b>5 -YEAR TOTAL</b>
State Gen. Fd.	(\$9,813,259)	(\$9,813,259)	(\$9,813,259)	(\$9,813,259)	(\$9,813,259)	<b>(\$49,066,295)</b>
Agy. Self-Gen.	\$0	\$0	\$0	\$0	\$0	<b>\$0</b>
Ded./Other	\$9,813,259	\$9,813,259	\$9,813,259	\$9,813,259	\$9,813,259	<b>\$49,066,295</b>
Federal Funds	\$0	\$0	\$0	\$0	\$0	<b>\$0</b>
Local Funds	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>	<b>\$0</b>
<b>Annual Total</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

**EXPENDITURE EXPLANATION**

There is no anticipated direct material effect on governmental expenditures as a result of this measure.

**REVENUE EXPLANATION**

Proposed law will allocate approximately \$9.81 M in SGF resources annually for deposit into the statutorily dedicated LA Public Defender Fund. The LA Public Defender Fund receives revenues via SGF deposits.

The proposed law establishes a funding formula for the LA Public Defender Fund ("fund") based upon two criteria: the number of district public defenders in LA (42 in total) and the number of assistant district attorney positions allowed in LA R. S. 16:51 (579 in total). The fund would receive \$49,000 for each district public defender and \$44,000 for each assistant district attorney position. As a result, the fund would realize a deposit of approximately \$2.06 M associated with the district public defender positions (\$49,000 \* 42) and approximately \$25.48 M (\$44,000 \* 579) associated with the positions provided for in LA R.S. 16:51, yielding total revenues of \$27.54 M.

Furthermore, proposed law states that appropriations made based on the position-based formula shall comprise 65% of the fund's total appropriation, which is the percentage that the LA Public Defender Board must disburse to district defender offices every fiscal year pursuant to Act 571 of the 2016 Regular Session. To comply with the provisions of proposed law, the LA Public Defender Fund must receive a total appropriation of at least \$42.36 M (\$27.54 M / 65%).

As a result, the fund must receive an increased amount of SGF deposits than it has in historical appropriations to comply with proposed law. For reference, the three-year average (FYs 15 - 17) appropriation to the LA Public Defender Fund totals approximately \$32.55 M. To comply with the formula outlined in proposed law, the fund must receive approximately \$9.81 M more in SGF deposits than it has in prior fiscal years. To the extent the fund receives the additional SGF deposits, it would represent a decrease in SGF to be allocated elsewhere.

Senate Dual Referral Rules  
 13.5.1 >= \$100,000 Annual Fiscal Cost {S&H}  
 13.5.2 >= \$500,000 Annual Tax or Fee Change {S&H}

House  
 6.8(F)(1) >= \$100,000 SGF Fiscal Cost {H & S}  
 6.8(G) >= \$500,000 Tax or Fee Increase or a Net Fee Decrease {S}

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