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December 1, 2014

The Honorable Mary Jane Wallner, Chairman
Fiscal Committee of the General Court
State House
Concord, N.H. 03301

M. Wallner
Approved by Fiscal Committee 1/23/15 Date

Her Excellency, Governor Margaret Wood Hassan
And the Honorable Executive Council
State House
Concord, N.H. 03301

Margaret Wood Hassan

REQUESTED ACTION

Pursuant to RSA 604-A:6, Services Other Than Counsel, and RSA 604-A:1-b, Additional Funding, to authorize the Judicial Council to receive an additional appropriation from funds not otherwise appropriated in the amount of \$270,000 effective upon Fiscal Committee and Governor and Council approval through June 30, 2015. Source of funds is 100% General Fund. Funding is to be budgeted according to the following schedule:

02-07-07-070010-11030000 Ancillary Non-Counsel Services 100% General Funds

Class	Description	Current Budget	Change	Revised Budget
108 (500751)	Provider Payments Legal Services	\$700,000	\$270,000	\$970,000

EXPLANATION

N.H.R.S.A. 604-A:1-b provides that “[i]n the event that expenditures for indigent defense by the Judicial Council are greater than amounts appropriated in the operating budget, the Judicial Council may request, with prior approval of the Fiscal Committee of the General Court, that the Governor and Council authorize additional funding. For funds requested and approved, the Governor is authorized to draw a warrant from any money in the treasury not otherwise appropriated.”

Expenditures for indigent defense include court-ordered and constitutionally-mandated expert and other ancillary services, as provided in N.H.R.S.A. 604-A:6, “[i]n any criminal case in which counsel has been appointed to represent a defendant who is financially unable to obtain

investigative, expert or other services necessary to an adequate defense in his case, counsel may apply therefore to the court, and, upon finding that such services are necessary and that the defendant is financially unable to obtain them, the court shall authorize counsel to obtain the necessary services on behalf of the defendant.”

When the courts issue orders providing indigent defendants with services other than counsel, the vendors who provide these services send invoices to the courts for the courts’ review and approval. These court-approved invoices are then sent to the Judicial Council for payment. The Judicial Council has no control over the volume of court-approved invoices it receives for the provision of services other than counsel.

The Council received an appropriation of \$700,000 in this account for State Fiscal Year 2015. Unexpended funds appropriated for State Fiscal Year 2014 in this accounting line rolled over into State Fiscal Year 2015 in the amount of \$1,650. Expenditures for indigent defense services through December 1, 2014 were \$403,654. Funds remaining in account 02-07-07-070010-1103 are \$297,996, and are insufficient to pay the court-approved invoices expected to arrive between December 1, 2014 and the end of the current fiscal year. The monthly average of expenditures in this line since July 1, 2014 is \$80,730 per month; forecast expenditures in the remaining seven months of State Fiscal Year 2015 will equal approximately \$565,000. Accordingly, the Judicial Council requests the addition of \$270,000 to meet the anticipated expenditures in this line through June 30, 2015.

This Agency will remain at your service to provide any requested information concerning the critical importance of this additional funding to the orderly administration of justice.

Thank you for your consideration.

Respectfully submitted,



Christopher Keating
Executive Director