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January 8, 2013

The Honorable Mary Jane Wallner, Chairman
Fiscal Committee of the General Court
State House
Concord, New Hampshire 03301

Her Excellency, Governor Margaret Wood Hassan
and the Honorable Executive Council
State House
Concord, New Hampshire 03301

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 additional General Funds from funds not otherwise appropriated in the amount of \$400,000 from the date of Governor and Council approval through June 30, 2013. Funding is to be budgeted in accordance with 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	\$600,000	\$400,000	\$1,000,000

EXPLANATION

In accordance with RSA 604-A:6 Services Other Than Counsel and RSA 604-A:1-b Additional Funds, authority is granted to the Judicial Council to seek additional funds. Pursuant to RSA 604-A:1-b "In the event that expenditures for indigent defense by the judicial council are greater than the amount 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."

Indigent Defense funds include the costs of providing services other than counsel. RSA 604-A:6 provides, "In any criminal case in which counsel has been appointed to represent a defendant

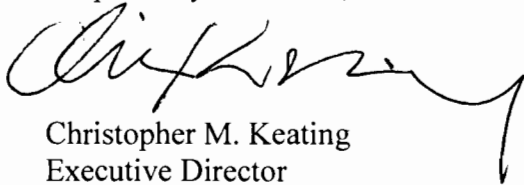
who is financially unable to obtain investigative, expert, or other services necessary to an adequate defense in his case, counsel may apply therefor to the court, and upon finding that such services are necessary and that the defendant is financially unable to obtain them, the court shall authorize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

Currently available funds in the amount of \$113,053.18 for account 02-07-0070010-1103 are insufficient to cover anticipated payables through the end of the current fiscal year ending June 30, 2013. Based upon the current level of expenditure in this budget class on a monthly basis of about \$86,000, it is my best estimate that this budget line will have insufficient funds about February 15, 2013. Typically these expenses include fees for expert witnesses, transcription and deposition services, language interpretation, blood analysis, psychological evaluations and such other specific services as may be required for an adequate defense of the pending criminal charges.

If additional funding is not approved, these unpaid liabilities will carry forward into FY 2014. It is also conceivable that without payment, some providers will not be able to continue to provide these constitutionally required services, which could result in a trial interruption, delay or even dismissal.

I hope you will find this explanation to be useful in understanding the need for, and the importance of, this request for additional funding. I am available to answer any questions that may arise as a result of this request for additional funds.

Respectfully submitted,



Christopher M. Keating
Executive Director