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THE STATE OF NEW HAMPSHIRE
JUDICIAL COUNCIL
www.nh.gov/judicialcouncil



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December 27, 2022

The Honorable Ken Weyler, Chairman
Fiscal Committee of the General Court
State House
Concord, N.H. 03301

His Excellency, Governor Christopher T. Sununu
And the Honorable Executive Council
State House
Concord, N.H. 03301

REQUESTED ACTION

Pursuant to RSA 604-A:1-b, Additional Funding, authorize the Judicial Council to receive an additional appropriation from funds not otherwise appropriated in the total amount of \$1,500,000.00 effective upon Fiscal Committee and Governor and Council approval, through June 30, 2023. **100% General Funds.**

Funding is to be budgeted in Fiscal Year 2023 in 02-07-07-070010-11030000 ANCILLARY NON-COUNSEL SERVICE as follows:

Class/Expense	Class Title	Current Budget	Change	Revised Budget
108/500752	Provider Payments Legal Services	\$1,130,552	\$1,500,000	\$2,630,552

EXPLANATION

This account funds services other than counsel which a court deems necessary for an adequate defense. RSA 604-A:1 provides that "representation shall include counsel and investigative, expert and other services and expenses, including process to compel the attendance of witnesses, as may be necessary for an adequate defense before the courts of this state." Without additional funding, the Judicial Council will be unable to pay the court-approved invoices for these services.

Pursuant to RSA 604-A:1-b, the Judicial Council may request, with prior approval of the Fiscal Committee of the General Court, that the Governor and Council authorize additional funding if expenditures for indigent defense are greater than amounts appropriated in the operating budget.

Total FY22 expenditures for this line were \$1,889,447. As of December 18, 2022, year-to-date expenditures for this line were approximately \$1,125,205. There is an additional \$192,416 in ancillary, non-counsel services that have been approved by courts but have not been paid due to lack of funds for the line. Including those additional unpaid services, the FY23 monthly average for this line is \$219,604. The Judicial Council also anticipates that the Youth Detention Center (YDC) criminal prosecutions will generate significant additional non-counsel costs over the next six months.

The FY23 budget for this line was \$1,030,553. An additional \$99,999 was transferred into this line in November of 2022, resulting in the current budget of \$1,130,552.

As of December, 18, 2022, the actual funds available for payment of approved ancillary non-counsel services is approximately \$5,347.

As noted above, the Judicial Council has an additional \$192,416 in invoices waiting to be processed and is on track for the highest annual cost for services other than counsel in the Council's history. The funds currently available in account 02-07-07-070010-1103 are insufficient to pay the court-approved invoices already in-house and expected to arrive between now and the end of the current fiscal year. Based on the monthly average of expenditures since July 1, 2022 and the anticipated costs for the YDC cases, the account will require the addition of \$1,500,000 to meet the anticipated expenditures in this line through June 30, 2023.

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,



Richard E. Samdperil
Acting Executive Director