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February 27, 2024

The Honorable Ken Weyler, Chairman
Fiscal Committee of the General Court

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 \$750,000 effective upon Fiscal Committee and Governor and Council approval, through June 30, 2025. **100% General Funds.**

Funding is to be budgeted in Fiscal Year 2024 in 02-07-07-070010-11030000 ANCILLARY NON-COUNSEL SERVICES as follows:

Class/Expense	Class Title	Current Budget	Change	Revised Budget
108/500752	Provider Payments Legal Services	\$2,530,000	\$750,000	\$3,280,000

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 FY23 expenditures for this line were \$2,527,576. As of February 27, 2024, year-to-date expenditures for this line were approximately \$2,095,865. There is also at least \$105,416

pending in unpaid invoices on this line. The costs for this line in FY24 have ranged between \$195,336 and \$408,350 per month.

As anticipated, Youth Detention Center (YDC) criminal prosecutions have generated significant additional non-counsel costs. Certain specific cases such as State v. Clegg, have also generated significant expenditures in addition to the normal expenditures on this line. These cases add to the general trend of increasing expenditures on this line which are linked to the growing complexity of criminal cases (especially serious felonies).

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, 2023, and the anticipated costs for the YDC cases, the account will require the addition of \$750,000 to meet the anticipated expenditures in this line through FY24.

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,

A handwritten signature in black ink, appearing to read 'Jay M. Buckey', is written over the typed name and title.

Jay M. Buckey
Executive Director