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



Jay Buckey, Executive Director
 One Granite Place, Suite 226
 Concord, New Hampshire 03301
 www.judicialcouncil.nh.gov

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May 29, 2025

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

Her Excellency, Governor Kelly A. Ayotte
 and the Honorable Executive Council
 State House
 Concord, N.H. 03301

REQUESTED ACTION

Pursuant to the provisions of RSA 9:16-a, authorize the Judicial Council to transfer funds in the amount of \$200,000 from Accounting Unit 1093 to Accounting Unit 1094 to increase funding for the New Hampshire Public Defender, effective upon Fiscal Committee and Governor and Council approval through June 30, 2025. 100% General Funds.

02-07-07-070010-10930000 ADMINISTRATION OF JUSTICE AND PUBLIC PROTECTION, JUDICIAL COUNCIL, CONTRACT COUNSEL

CLASS OBJ	CLASS TITLE	CURRENT MODIFIED BUDGET	INCREASE/ (DECREASE) AMOUNT	REVISED MODIFIED BUDGET
	General Funds	\$2,510,483	(\$200,000)	\$2,310,483
	Total Revenue	\$2,510,483	(\$200,000)	\$2,310,483
067-500557	Training of Providers	\$3,000	\$0	\$3,000
102-500731	Contracts for Program Services	\$2,507,483	(\$200,000)	\$2,307,483
	Total Expenses	\$2,510,483	(\$200,000)	\$2,310,483

02-07-07-070010-10940000 ADMINISTRATION OF JUSTICE AND PUBLIC PROTECTION, JUDICIAL COUNCIL, PUBLIC DEFENDER PROGRAM

CLASS OBJ	CLASS TITLE	CURRENT MODIFIED BUDGET	INCREASE/ (DECREASE) AMOUNT	REVISED MODIFIED BUDGET
	General Funds	\$27,794,554	\$200,000	\$27,994,554
	Total Revenue	\$27,794,554	\$200,000	\$27,994,554
102-500732	Contracts for Program Services	\$27,794,554	\$200,000	\$27,994,554
	Total Expenses	\$27,794,554	\$200,000	\$27,994,554

EXPLANATION

RSA 604-A:2 provides that in every case where an indigent defense attorney is appointed, an attorney from the New Hampshire Public Defender (NHPD) must be appointed in the first instance.

NHPD is currently above its contractually specified caseload limits in eight of its ten field offices. This has resulted in NHPD closing to four circuit courts where it can no longer accept cases. These closures slow assignment of counsel and result in additional costs for the Judicial Council (Council).

The Council had recommended budgeting \$37.1 million for the Public Defender in FY 26 to increase staffing and retention. NHPD will instead likely be funded at \$28.8 million for FY 26. Funding shortfalls have resulted in NHPD rescinding two thirds of its anticipated hiring, and the Council anticipates that court closures will persist. The \$200,000 that is being recommended to transfer are funds that would otherwise lapse and are intended to supplement NHPD funding to increase hiring and retention.

There are funds available in the Contract Counsel accounting unit (10930000), Class 102, Contracts for Program Services due to the trend of fewer attorneys taking contracts through the Judicial Council. Funds are being transferred to Class 102, Contracts for Program Payments, in accounting units 10940000, Public Defender Program.

The following is provided in accordance with the Budget Officer's instructional memorandum, dated April 17, 1985, in support of the requested actions:

1. Does the transfer involve continuing programs or one-time projects?
Transfers are for continuing programs.
2. Is this transfer required to maintain existing program level or will it increase program level?
Transfers are to maintain existing program levels.
3. Cite any requirements, which make this program necessary.
New Hampshire Constitution, Article 15

4. Identify the source of funds on all account listed on this transfer.
100% General Funds.
5. Will there be an effect on revenue if this transfer is approved or disapproved?
No.
6. Are funds expected to lapse is this transfer is not approved?
Yes.
7. Are personal services involved?
No, there are no personal services involved in this transfer.

Thank you for your consideration. This Agency will remain at your service to answer any questions you may have regarding the proposed contract and its importance to the orderly administration of justice.

Respectfully Submitted,



Jay M. Buckey

Executive Director