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July 28, 2026

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

Her Excellency, Governor Kelly A. Ayotte
 and the Honorable 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 \$5,500,000 effective upon Fiscal Committee and Governor and Council approval, through June 30, 2027.
100% General Funds.

Funding is to be budgeted in 02-07-07-070010-10910000 **ASSIGNED COUNSEL** as follows:

Class/Expense Class Title	Current Budget	Change	Revised
Budget			
108/500751 Provider Payments Legal Services	\$2,091,543	\$5,500,000	\$7,591,543

EXPLANATION

This account funds the work of court appointed counsel for indigent criminal defendants, juvenile delinquencies, and parents and children in abuse and neglect cases. Article 15 of the New Hampshire Constitution guarantees the right to a defense at state expense in criminal cases.

In State Fiscal Year (SFY) 2026, expenditures for this line were \$7,603,456.98. The Judicial Council anticipates that expenditures will be similar in SFY 2027.

The Judicial Council does not determine who qualifies for counsel, i.e., who is indigent. These determinations are made by the courts. Counsel is constitutionally required for indigent criminal defendants facing incarceration and statutorily required for certain indigent parents and children in abuse and neglect cases.

RSA 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.”

The funds currently available in account 02-07-07-070010-10910000 are insufficient to pay the court-approved invoices expected to arrive between now and the end of the current fiscal year. Based on the monthly average of expenditures year to date, the Judicial Council determines that the account will require the addition of at least \$5,500,000 to meet the anticipated expenditures in this line through June 30, 2027.

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

Thank you for your consideration.

Respectfully Submitted,



Jay M. Buckey
Executive Director