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H.B. 85
133rd General Assembly

Fiscal Note & Local Impact Statement

[Click here for H.B. 85's Bill Analysis](#)

Version: As Passed by the House

Primary Sponsors: Reps. Wilkin and Rogers

Local Impact Statement Procedure Required: No

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Highlights

- An indeterminate amount of money may be transferred annually from the Controlling Board Emergency Purposes/Contingencies Fund (Fund 5KM0) to the Office of the Attorney General and the State Public Defender's Office to be distributed to qualifying counties to defray their costs incurred in prosecuting and providing indigent defense services in certain applicable capital cases.
- Certain administrative functions pertaining to the reimbursement funding request and subsequent accounting requirements would create some additional costs that would be absorbed into the daily workload of the particular county and more than offset by money received under the immediately preceding dot point.

Detailed Analysis

The bill creates a mechanism by which counties can request funding from the Office of the Attorney General or the State Public Defender's Office to defray their costs incurred in prosecuting and providing indigent defense services in certain applicable capital cases. Reimbursement funding would only be available to counties in capital murder cases involving multiple victims or multiple defendants. Additionally, the prosecution and defense costs in such a capital case must exceed 5% of the county's general fund appropriations for the year in which the defendant or defendants were arrested.

When the Attorney General and the State Public Defender receive a valid request for funding from a county, each will then submit the request to the Controlling Board for approval. If approved, the Board may release funds from the Controlling Board Emergency Purposes/Contingencies Fund (Fund 5KM0) and transfer these funds to the Attorney General and the State Public Defender, if warranted, for distribution to the county.

The amount likely to be transferred from Fund 5KM0 annually is indeterminate, however, the qualifying parameters for eligibility to receive funding will likely keep the number of applicable capital cases relatively small in any given year. Over the past four calendar years (2015 to 2018), an average of about 12 capital indictments each year involved multiple victims or multiple defendants. Not all of these indictments result in capital trials as many defendants will accept a plea agreement to avoid the death penalty. Further, if the case occurs in a county with a larger county general fund appropriation, the prosecution and defense costs may not exceed the 5% threshold. The number of cases eligible for reimbursement under the bill is likely to be small in any given year.

The bill requires the counties receiving reimbursement money to track expenses, submit the request for funds, administer the revenue, submit requests to the Attorney General or State Public Defender, as applicable, and return unspent money to the state treasury, all of which may create a very small amount of additional work in certain counties. The cost of these administrative functions would be part of the daily workload of the county and more than offset by revenue received under the terms of the bill.