## Department of Planning and Budget 2025 General Assembly Session State Fiscal Impact Statement

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**Bill Number:** HB2322 S1 Patron: Davis

Bill Title: Appointment of counsel for accused; felonies punishable by a mandatory minimum term of

confinement for life.

**Bill Summary:** Under current law, in any case in which an indigent defendant is charged with a Class 1 felony in a jurisdiction in which a public defender office is established, the court must, upon request for the appointment of counsel and in the absence of a conflict, appoint such public defender office to represent the defendant. Upon motion of the attorney from a public defender office, the judge of the circuit court must appoint a competent, qualified, and experienced attorney from the list maintained by the Indigent Defense Commission to serve as co-counsel. Also, under current law, in a jurisdiction in which there is no public defender, upon request for the appointment of counsel, the court must appoint two competent, qualified, and experienced attorneys, from the list maintained by the Indigent Defense Commission to serve as co-counsels for the defendant.

The substitute bill expands both provisions to cover indigent defendants who are charged with any felony punishable by a mandatory minimum term of confinement for life.

**Budget Amendment Necessary:** Indeterminate Items Impacted: Indeterminate

**Explanation:** See below

**Fiscal Summary:** According to the Office of the Executive Secretary of the Supreme Court (OES), by expanding the types of cases covered, this bill would have an indeterminate fiscal impact on the Criminal Fund.

## **General Fund Expenditure Impact:**

<u>Agency</u>	FY2025	<u>FY2026</u>	FY2027	<u>FY2028</u>	<u>FY2029</u>	FY2030
Circuit Court (Criminal Fund)		Indeterminate	Indeterminate	Indeterminate	Indeterminate	Indeterminate
Indigent Defense Commission		Indeterminate	Indeterminate	Indeterminate	Indeterminate	Indeterminate
TOTAL		Indeterminate	Indeterminate	Indeterminate	Indeterminate	Indeterminate

**Fiscal Analysis:** OES reports that \$467,507 was spent for court-appointed counsel representing 21 indigent defendants for Class 1 felonies in FY 2024. However, OES does not have information on amounts currently

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spent representing defendants who were charged with offenses that had a mandatory minimum term of confinement for life that were not Class 1 felonies. Therefore, the impact on the Criminal Fund cannot be determined at this time.

The impact this bill may have on the Indigent Defense Commission is also not known at this time.

Other: None