

# Vermont Legislative Joint Fiscal Office

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## *FISCAL NOTE*

Date: March 19, 2019

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### **H.342 - An act relating to qualification for a public defender - As Introduced**

<https://legislature.vermont.gov/Documents/2020/Docs/BILLS/H-0342/H-0342%20As%20Introduced.pdf>

This bill amends the statutes regarding when individuals qualify for a public defender specifically it strikes from the statute the qualification for a serious crime and the definition of what was excluded from a serious crime in 13 V.S.A. § 5201 and the related appointment of counsel by court provisions under 13 V.S.A. § 5206. This change means that previously exempted misdemeanor cases involving financially needy individuals would be eligible to have a public defender.

With the exception of one category of cases, the Defender General reports that volume and workload for these types of misdemeanor cases should be minimal, most go to through either diversion or community justice and are likely to continue in that path. These cases should be able to be accommodated by the Office of Defender General assuming distribution of these cases is consistent with existing public defense caseloads.

DUI-1 cases are the one area that may create future fiscal pressure for the Defender General and the State's Attorney<sup>1</sup>. There is a higher volume of these cases and there are lower level DUI-1 cases that currently result in fines and are not litigated. This change could mean that some of these cases would be litigated instead of resolved prior to litigation. The number of these DUI-1 cases that could change is not known but does pose a potential future fiscal pressure in the system as result of this change.

At this time based on the conversation with the Defender General and the State's Attorney the Joint Fiscal Office does not recommend new funding in Fiscal Year 2020, but out years may require additional resources.

### **Fiscal Impact Range**

FY20	\$0
FY21 & FY22	\$0- \$300,000 up to \$150,000 for each department

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<sup>1</sup>State's Attorney indicates DUI-1 cases that could go through litigation have the potential to impact labor negotiations in his office regarding caseloads per deputy states attorney.