

Joint Budget Committee



Staff Figure Setting FY 2025-26

Judicial Department (State Public Defender)

JBC Working Document - Subject to Change
Staff Recommendation Does Not Represent Committee Decision

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How to Use this Document: The Department Overview contains a table summarizing the staff recommended changes. Brief explanations of each change follow the table. Each division description includes a similar table but does not repeat the brief explanations. Sections following the Department Overview and the division summary tables provide more details about the changes.

To find decision items, look at the Decision Items Affecting Multiple Divisions or the most relevant division. This applies to both decision items requested by the department and recommended by the staff. Decision items appear in the requested priority order within sections.

Department Overview

In addition to the Courts and Probation – commonly understood as the traditional Judicial Branch that comprises the state court system and probation services – the Judicial Department also includes 11 constitutional or statutory independent agencies.

This document addresses the Office of State Public Defender (SPD), an independent agency within the Judicial Department budget. The Courts and Probation and other independent agencies are addressed in separate documents.

The SPD provides legal representation for indigent defendants in criminal and juvenile delinquency cases where there is a possibility of incarceration. The SPD is comprised of a central administrative office, an appellate office, and 21 regional trial offices.

Summary of Staff Recommendations

Judicial Department – State Public Defender						
Item	Total Funds	General Fund	Cash Funds	Reapprop. Funds	Federal Funds	FTE
FY 2024-25 Appropriation						
HB 24-1430 (Long Bill)	\$178,273,311	\$177,529,947	\$743,364	\$0	\$0	1,183.5
SB 25-096 (Supplemental Bill)	713,681	713,681	\$0	\$0	\$0	0.0
Total FY 2024-25	\$178,986,992	\$178,243,628	\$743,364	\$0	\$0	1,183.5
FY 2025-26 Recommended Appropriation						
FY 2024-25 Appropriation	\$178,986,992	\$178,243,628	\$743,364	\$0	\$0	1,183.5
BA1 IT security	985,554	985,554	0	0	0	0.0
R1 Workload standards	0	0	0	0	0	0.0
R2 UKG HR-payroll IT solution	0	0	0	0	0	0.0
R3 IT storage continuation	1,556,767	1,556,767	0	0	0	0.0
R4 Aurora municipal DV cases	0	0	0	0	0	0.0
R5 Client rep - CBI DNA misconduct	1,000,000	1,000,000	0	0	0	0.0
R6 410 17th St leased space	0	0	0	0	0	0.0
R7 OSPD-OADC E-Discovery legislation	0	0	0	0	0	0.0
R8 Cash funds true-up	0	0	0	0	0	0.0
Centrally appropriated line items	11,884,534	11,884,534	0	0	0	0.0
Annualize prior year actions	1,424,471	1,424,471	0	0	0	28.6
Total FY 2025-26	\$195,838,318	\$195,094,954	\$743,364	\$0	\$0	1,212.1
Changes from FY 2024-25	\$16,851,326	\$16,851,326	\$0	\$0	\$0	28.6
Percentage Change	9.4%	9.5%	0.0%	0.0%	0.0%	2.4%

Judicial Department – State Public Defender						
Item	Total Funds	General Fund	Cash Funds	Reapprop. Funds	Federal Funds	FTE
FY 2025-26 Executive Request	\$199,048,526	\$198,305,162	\$743,364	\$0	\$0	1,221.6
Staff Rec. Above/-Below Request	-\$3,210,208	-\$3,210,208	\$0	\$0	\$0	-9.5

Description of Incremental Changes

BA1 IT security: Staff recommends an increase of \$985,554 General Fund for improved IT cybersecurity controls. No difference from the request.

R1 Workload standards: Staff recommends denial of this request item. The request includes an increase of \$370,389 General Fund and 0.3 FTE for FY 2025-26 to update, implement, and maintain workload standards. This request is the result of an audit finding and recommendation in a performance audit by the Office of the State Auditor. Staff recommendation is \$370,389 General Fund less than the request.

R2 UKG HR-payroll IT solution: Staff recommends \$176,400 General Fund for a comprehensive HR-payroll IT solution. Staff additionally recommends a budget-neutral, offsetting negative adjustment of the same amount for Personal Services. Staff recommendation is \$176,400 General Fund less than the request.

R3 IT storage continuation: Staff recommends \$1,556,767 General Fund for ongoing annual maintenance and storage growth for the Office's data storage solution entirely driven by increased capacity needs for housing electronic discovery files. No difference from the request.

R4 Aurora municipal DV cases: Staff recommends denial of this request item. The request includes \$750,179 General Fund and 9.2 FTE for five attorneys and support staff for the projected 1,137 new cases due to Aurora discontinuing prosecution of municipal domestic violence cases. Staff recommendation is \$750,179 General Fund less than the request.

R5 Client representation – CBI DNA misconduct: Staff recommends \$1,000,000 General Fund for this item. Staff recommends placement in a new, dedicated line item for this purpose. Staff recommends one-year appropriation authority. The request includes \$2.0 million General Fund and multi-year spending authority for work by the SPD and the Office of Alternate Defense Counsel on cases impacted by CBI DNA misconduct. Staff recommendation is \$1,000,000 General Fund less than the request.

R6 410 17th St leased space: Staff recommends denial of this request item. The request includes \$912,000 General Fund for permanent relocation in private, commercial leased space outside of the Carr Judicial Center. Staff recommendation is \$912,000 General Fund less than the request.

R7 OSPD-OADC e-Discovery (legislation request): Staff recommends that the Committee pursue legislation to create a task force as requested. Staff estimates a cost of \$24,883 General Fund for Legislative Council Staff to support the task force. No SPD budget cost is identified in this legislation request.

R8 Cash funds true-up: Staff recommends that the Committee approve the request for a budget-neutral transfer of \$30,000 cash funds from registration fees from operating expenses to training. No difference from the request.

Centrally Appropriated Line Items: The request includes a net increase of \$11.9 million total funds for centrally appropriated items, summarized in the following table. Lightly shaded rows are pending.

Centrally appropriated line items						
Item	Total Funds	General Fund	Cash Funds	Reapprop. Funds	Federal Funds	FTE
Step Plan	\$4,388,977	\$4,388,977	0	0	0	0.0
Salary survey	3,236,611	3,236,611	0	0	0	0.0
Health, life, and dental	2,472,884	2,472,884	0	0	0	0.0
AED and SAED adjustment	727,472	727,472	0	0	0	0.0
Leased space	655,744	655,744	0	0	0	0.0
PERA direct distribution	492,433	492,433	\$0	\$0	\$0	0.0
Vehicle lease payments	20,554	20,554	\$0	\$0	\$0	0.0
Short-term disability	10,912	10,912	\$0	\$0	\$0	0.0
Workers' compensation	1	1	\$0	\$0	\$0	0.0
Risk management & property	1	1	\$0	\$0	\$0	0.0
Payments to OIT	1	1	\$0	\$0	\$0	0.0
CORE adjustment	1	1	\$0	\$0	\$0	0.0
Short-term disability true-up	-63,224	-63,224	0	0	0	0.0
Legal services	-46,323	-46,323	0	0	0	0.0
Health, life, and dental true-up	-11,510	-11,510	0	0	0	0.0
Total	\$11,884,534	\$11,884,534	\$0	\$0	\$0	0.0

Annualize Prior Year Actions: The recommendation includes a net increase of \$1.4 million General Fund to reflect the impact of bills and prior year budget actions, summarized in the following table.

Annualize prior year actions						
Item	Total Funds	General Fund	Cash Funds	Reapprop. Funds	Federal Funds	FTE
SPD FY25 R1 Attorneys	\$2,502,811	\$2,502,811	\$0	\$0	\$0	26.9
SPD FY25 R2 Social workers	312,407	312,407	0	0	0	1.6
SPD FY25 R3 Digital Discovery	15,947	15,947	0	0	0	0.1
SPD FY25 S1 IT security	-713,681	-713,681	0	0	0	0.0
SPD Prior year capital outlay	-693,013	-693,013	0	0	0	0.0
Total	\$1,424,471	\$1,424,471	\$0	\$0	\$0	28.6

Major Differences from the Request

Staff recommendations include \$3.2 million General Fund less than the request including:

- \$1,000,000 less for R5 Client representation for CBI DNA test misconduct;
- \$912,000 less for R6 410 17th St leased space;
- \$750,179 less for R4 Aurora municipal domestic violence cases;
- \$370,389 less for R1 Workload standards; and
- \$176,400 less for R2 UKG HR-payroll IT solution.

(5) Office of State Public Defender

The Office of State Public Defender (SPD) is established in Section 21-1-101, et seq., C.R.S., as an independent agency within the Judicial Branch to provide legal representation for indigent defendants who are facing incarceration. The SPD is required to provide legal representation to indigent defendants "commensurate with those available to non-indigents, and conduct the office in accordance with the Colorado rules of professional conduct and with the American bar association standards relating to the administration of criminal justice, the defense function."

The five-member Public Defender Commission, appointed by the Supreme Court, governs the SPD and appoints the State Public Defender. The SPD provides representation through staff attorneys located in regional offices around the state. The SPD is the largest independent agency within the Judicial Department, and, except for a small amount of cash funds from training fees and grants, is funded by General Fund.

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R1 Workload standards	0	0	0	0	0	0.0
R2 UKG HR-payroll IT solution	0	0	0	0	0	0.0
R3 IT storage continuation	1,556,767	1,556,767	0	0	0	0.0
R4 Aurora municipal DV cases	0	0	0	0	0	0.0
R5 Client rep - CBI DNA misconduct	1,000,000	1,000,000	0	0	0	0.0
R6 410 17th St leased space	0	0	0	0	0	0.0
R7 OSPD-OADC E-Discovery legislation	0	0	0	0	0	0.0
R8 Cash funds true-up	0	0	0	0	0	0.0
Centrally appropriated line items	11,884,534	11,884,534	0	0	0	0.0
Annualize prior year actions	1,424,471	1,424,471	0	0	0	28.6
Total FY 2025-26	\$195,838,318	\$195,094,954	\$743,364	\$0	\$0	1,212.1
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Percentage Change	9.4%	9.5%	0.0%	0.0%	0.0%	2.4%
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Staff Rec. Above/-Below Request	-\$3,210,208	-\$3,210,208	\$0	\$0	\$0	-9.5

Decision Items

→ BA1 IT Security

Request

The State Public Defender (SPD) requests \$985,554 General Fund for FY 2025-26 and future years to improve IT security controls and protect against cybersecurity attacks. This request is associated with the supplemental item for FY 2024-25 totaling \$713,681 General Fund.

Recommendation

Staff recommends that the Committee approve the request.

Analysis

The SPD experienced a malware attack that was first identified on February 9, 2024. This request includes recommendations arising from a security audit completed between June and October 2024. Remediation of audit findings began in November and included replacement of firewalls in December. Additionally, in September the SPD replaced its managed security provider, a contract vendor, citing poor service provision including a lack of response and lack of a general sense of concern and responsibility in the aftermath of the attack.

Although the SPD did not have cyber insurance, the incident has been addressed through the State's Risk Management program. Risk Management provided the SPD with approximately \$900,000 in funding for FY 2023-24 and \$470,000 for FY 2024-25 for recovery and initial remediation from the malware attack.

The SPD states that the Department of Personnel's Risk Management and the Governor's Office of Information Technology recommend the SPD be covered by cyber insurance. However, for the SPD to remain eligible to be covered by a cyber insurance policy, the SPD must maintain the IT security-related infrastructure approved in the supplemental request.

The specifics of the malware attack remain generally confidential in order to minimize the release of technical information that could lead to additional future attacks. Generally, the malware attack exploited a flaw in the VPN tool that began approximately a week before encrypted files were first detected on February 9th. The malware attack was specific to an IT system component weakness and was not initiated through a phishing or other staff-originated social attack point.

All computer systems for the entire organization were shut down at midday on February 9th and remained shut down for at least a two-week period. Alternative emails were established for staff a week later. The additional, manual work of staff enabled the restoration of almost all files over several months. Generally, the SPD was able to return to operations within about two

to three months, faster than is generally estimated for an attack and recovery of this magnitude.

Funding provided by Risk Management paid for a data forensics contract to immediately assess the attack, damage, and act to initiate system restoration.

The following table outlines the identified components of the request for the current year and budget/future years.

SPD S1 IT Security Current and Out-year Costs		
Component	FY 2024-25	FY 2025-26/ongoing
Access management, identity threat protection, conditional access controls and security	\$150,600	\$150,600
Managed detection and response, preventative monitoring, and active remediation	180,429	180,429
VPN with zero trust solution with more granular control over remote access	131,730	131,730
Increased email security/protection	76,609	127,523
Annual penetration testing, gap assessments, and security policy review	14,000	74,645
Multi-cloud data protection configuration of data	160,313	320,627
Total	\$713,681	\$985,554

→ R1 Workload Standards

Request

The Department requests \$370,389 General Fund and 1.0 FTE to conduct a workload study. This request annualizes to \$358,881 General Fund and 1.0 FTE in future years to conduct an implementation study and provide ongoing implementation support for the recommendations of the workload study.

Recommendation

Staff recommends that the Committee deny the request.

Analysis

For FY 2025-26 the SPD seeks General Fund for:

- a one-time workload study of \$225,000;
- ongoing data and automation expenses of \$105,000; and
- a data analyst staff position for three months for \$40,389.

For FY 2026-27, as staff understands the components of the request, the SPD seeks:

- a one-time implementation study of \$75,000;
- ongoing standards maintenance costs of \$50,000;
- ongoing implementation support of \$35,000; and
- ongoing data analyst staff costs of \$93,881.

This request is submitted as a result of a July 2024 performance audit by the Office of the State Auditor (OSA). The audit's primary finding related to resource and workload management. Based on the audit finding, the SPD agreed to:

- Complete a new workload study by July 2026;
- Update methods for assessing agency workload and establish agency-wide guidance by December 2026;

Update State Measurement for Accountable, Responsive, and Transparent Government Act (SMART Act) performance measures by July 2027.

Staff Assessment

Staff assumes that the SPD's audit agreements are contingent on SPD securing additional funding through the budget process for this purpose.

It is staff's understanding that this workload study is anticipated to establish workload standards that will identify the need for additional increases in public defender staff. In recent years there have been significant labor market pressures on the SPD, especially for attorneys. These pressures have been partially addressed through:

- salary increases for attorneys and support staff related to similar increases approved for all state employees through the collective bargaining structure;
- the addition of a step plan to provide increases over time based on experience; and
- the addition of attorneys and support staff in a FY 2024-25 budget action.

On this basis, staff believes that the stresses from labor market pressures experienced by the SPD have been meaningfully relieved if not entirely addressed as sought by the agency and its stakeholder labor groups.

Due to:

- the significant increase in General Fund appropriated to the SPD since FY 2018-19 relative to statewide experience;
- including the addition of 50.0 FTE of attorneys and 41.4 FTE of support staff for FY 2024-25; and
- the State's current General Fund deficit for FY 2025-26;

staff recommends that the Committee deny the request.

→ R2 UKG HR-payroll IT Solution

Request

The SPD requests \$176,400 General Fund for FY 2025-26 and future years for a comprehensive human resources and payroll IT system to streamline human resources, payroll, finance, talent acquisition, compensation, compliance, training, and employee relations processes.

Recommendation

Staff recommends that the Committee approve the request with a budget neutral negative adjustment to the Personal Services line item.

Analysis

A brief history of state HR system funding and development

A question regarding the inefficiency of agency by agency solutions for HR and payroll IT systems came up as a Committee question and discussion point on this item at the briefing in December.

The statewide Human Resources Information System (HRIS) appropriated to the Governor's Office of Information Technology and operationally owned by the Department of Personnel was appropriated \$41.6 million from FY 2014-15 through FY 2019-20 to deliver a statewide system for all human resource components that were to include a statewide platform for all agencies to conduct timekeeping, leave-tracking, and payroll in addition to other human resources components. It was intended to eliminate or consolidate existing agency human resource systems. In December 2019, the Department of Personnel requested an additional \$12.4 million General Fund to continue working on the project using agile project development methodology based on the failure to complete the project as originally contracted and developed. Due to pandemic budget cuts in 2020, this funding was not approved.

That project did not deliver a statewide solution for any component including payroll; the State continued (and continues) to use the legacy CPPS payroll system.

Additionally, in 2018, the Executive Branch and the Department of Personnel attempted to push through a technical "work-around" that would have converted all state employees to a biweekly, two-week lag pay system from the current monthly current system by effectively "jamming" all employees into the smaller data system setup within CPPS that provides payroll for seasonal employees on biweekly pay. That failed attempt at a "policy-change" to resolve the vendors' technical development problem failed and the Department of Personnel continued to fail to deliver an updated payroll system and a statewide solution for timekeeping and leave-tracking.

Although not stated formally by the Department of Personnel, staff recalls conversations with budget officials at state agencies who communicated that they were told each agency would be responsible for requesting budget items to provide agency timekeeping and leave-tracking solutions. In the years that followed, agencies submitted budget requests for such systems.

The Department of Personnel has been appropriated an additional \$37.5 million for its Payroll Modernization project in IT capital over the last three years (FY 2022-23, FY 2023-24, and FY 2024-25). The entire project is projected to cost \$51.2 million with the request for \$13.7 million for FY 2025-26. This project is only intended to replace the state's 35-year-old legacy CPPS payroll system.

Additionally, the Department of Personnel has submitted an IT capital request for FY 2025-26 for a new Statewide Human Resources Information System project that is projected to cost \$65.2 million, including \$955,500 for FY 2025-26. The Joint Technology Committee staff document for this item includes the following Q and A:

Q: As stated in the request, the department was appropriated \$41,598,590 between FY 2014-15 and FY 2018-19 to create a system for personnel management, benefits administration, time and leave tracking, payroll processing, and a single source statewide database for employee and position information. Subsequently, the department has requested \$51,184,092 and has been appropriated \$37,452,933 of that total. Were any projects completed or delivered with the first \$41.5 million appropriated to the department that could be allocated towards this project? It is understood that the scope was too large among other issues, but what factors made it hard to pivot and resolve these solutions without the project being a total loss?

A: The HRWORKS project initiated by the Hickenlooper Administration was an attempt to create a single solution for payroll, HR, Benefits, and time and leave using a waterfall development approach. Over the course of the five year project, the scope increased several times as the team attempted to eliminate legacy state systems and decrease manual processing. Additionally, the procurement was awarded to two separate vendors who did not collaborate directly together during the project. Ultimately the work undertaken resulted in no useable system for HR or payroll. Despite a successful Agile-based relaunch in the fall 2019, the project had to be terminated in spring 2020 due to lack of funding. Most agency IT project funding requests were not granted in 2020 and 2021 due to the COVID pandemic. Cancellation of the project required termination of the contracts with the two vendors selected for the project. While the two systems were successfully integrated, the project still required additional funding to fully configure and deploy to users. The project termination was not a total loss. The Department retained all project discovery and documents which have been leveraged for the Payroll Modernization project and will also be used for the HRIS project.

The SPD request

The SPD currently relies on manual tracking processes for its HR, timekeeping, leave-tracking, and payroll-related tasks for its 1,200 employees. If the SPD were its own department, by FTE it would be the 13th largest in the state; with more FTE than 11 departments. Software provider, UKG, was selected due to existing contracts with state legal and justice system agencies.

The SPD states that manual processes use more staff resources. Currently payroll requires days to complete due to the manual cross-checking of leave and employment status changes. The new system should automate these processes, track changes in real time, and reduce report generation time from days to under an hour. The system will provide real-time dashboards, custom reports, and interactive metrics sharing across finance, HR, payroll, and recruiting.

Staff agrees with the efficiencies anticipated to be gained and therefore recommends that this appropriation be approved. Staff additionally recommends that the General Fund be offset through an equal, budget neutral negative adjustment to the personal services line item in anticipation of reduced staff time necessary to complete related tasks.

→ R3 IT Storage Continuation

Request

The SPD requests \$1,556,767 General Fund for continuation of the storage project funded in FY 2022-23. This request includes the following estimated annualization increases: an additional \$489,798 General Fund for FY 2026-27; an additional \$809,522 General Fund for FY 2027-28; and an additional \$654,048 General Fund for FY 2028-29.

Recommendation

Staff recommends that the Committee approve this request. Due to the necessity of this relatively non-discretionary, IT infrastructure component and the scale of the funding for this item, staff recommends the addition of a new line item, Data Storage, in order to more discretely track appropriations and expenditures for this component.

Analysis

The SPD anticipates completion by the end of FY 2024-25 of its "Public Defense in the Digital Age" storage project funded in FY 2022-23. In the SPD's analysis presented to the Joint Technology Committee in January 2022, SPD estimated that ongoing annual maintenance and operating for the storage solution would cost approximately \$750,000 in the first year (FY 2023-24) and increase to \$1.8 million in year five (FY 2027-28). At that time, the amount estimated for FY 2025-26 was \$1.1 million.

Most of this annual cost is related to storage capacity; this is a non-discretionary infrastructure component that is determined entirely by the amount of digital discovery externally generated by and from criminal justice agencies and processes that is necessary for SPD casework. At the time of the project request in 2022, the estimate was for a starting storage capacity of 1500 terabytes (TB). At the end of FY 2024-25 that number is projected to be 2,940 TB.

The SPD currently includes \$950,000 annual operating for data storage in its IT operating, "Automation Plan" line item. This includes \$200,000 made available in FY 2022-23 from the move away from the prior storage system and \$750,000 appropriated for FY 2023-24.

SPD requests an additional \$1.6 million for FY 2025-26 to accommodate storage growth estimated at 35 percent per year. Increases are anticipated in future years as outlined above.

Staff recommends that the Committee approve the request for an additional \$1.6 million General Fund for this item. Staff also recommends that a new line item, "Data Storage", be created in order to discretely monitor appropriations and expenditures for this item. This recommendation includes the transfer of \$950,000 General Fund from the current Automation Plan line item.

→ R4 Aurora Municipal DV Cases

Request

The SPD requests \$750,179 General Fund for FY 2025-26 and annualizing to \$1.1 million in future years for additional attorneys and support staff to address the increased caseload projected to handle Aurora municipal domestic violence (DV) cases. The request is for a total of 7.0 FTE of attorneys and 5.9 FTE of support staff to be added in three phases: 3 attorneys and 2.5 FTE of support staff on July 1, 2025; 2 attorneys and 1.7 FTE of support staff on January 1, 2026; and 2 attorneys and 1.7 FTE of support staff on July 1, 2026.

Recommendation

Staff recommends that the Committee deny the request.

Analysis

In September 2024, the Aurora City Council voted to discontinue the prosecution of DV cases in Aurora Municipal Court beginning July 1, 2025. As a result, all DV cases will be prosecuted in County Court (state courts system). Based on four years of data from Aurora Municipal Court, the SPD estimates an increase of 1,184 cases, including an anticipated 1,137 that will be assigned to the SPD, comprised of 217 cases in Adams County, 920 cases in Arapahoe County, and 1 case in Douglas County.

Staff generally agrees with the assessment of need. Staff anticipates that the SPD will experience an increase in caseload due to this Aurora municipal policy decision. However, the SPD was approved for an additional 50.0 FTE of attorneys and 41.4 FTE of support staff for FY 2024-25. Given the current statewide General Fund deficit for FY 2025-26, staff recommends that the Committee deny the request for additional staff for this purpose at this time.

Those additional staff resources were provided based on an assessment, a year ago, of past and current staff needs. Had that request been made in the current environment, it may have been approved at a lower amount and may not have been funded at all. Staff recommends that no negative adjustment be made for the previously approved staff increase; however, for some period the SPD will need to absorb this caseload increase within existing appropriations.

→ R5 Client Representation – CBI DNA misconduct

Request

The SPD and the Office of Alternate Defense Counsel (OADC) jointly request \$2.0 million General Fund, with multi-year spending authority, for the first year of costs related to cases arising from DNA testing misconduct at the Colorado Bureau of Investigation (CBI). The funding is requested as an appropriation to be located in the SPD budget with access to funding provided to OADC for the same purpose.

Recommendation

Staff recommends that the Committee approve \$1.0 million General Fund for this purpose as requested. Staff recommends a new line item, Cases Impacted by CBI DNA Test Misconduct, for this appropriation. Staff recommends one-year spending authority.

Additionally, this solution could also be addressed in a Committee bill related to providing additional statutory structure around the \$7.4 million provided to the CBI for this purpose. Staff is unclear on the structure for such a JBC or other bill. The Committee can choose to offset the General Fund provided in this recommended Long Bill appropriation through an appropriation refinance adjustment in such a policy bill. On that basis, staff makes the recommendation for this funding in the Long Bill at this time.

Analysis

The CBI's DNA testing misconduct impacts post-conviction claims for SPD and OADC clients. The investigation and filing of post-conviction motions is work that must first be done by public defenders and alternate defense counsel contractors. Rule 35(c) has strict timing requirements; in many instances, this will require defendants, almost all indigent and incarcerated, to act quickly or face arguments that they waived any post-conviction issue. Public defenders and alternate defense counsel attorneys will be required to review cases, conduct investigation, consult forensic experts, write motions, and conduct post-conviction hearings. For successful challenges, cases would be reset for trials.

SPD and OADC have already started to experience the impact on casework related to these events and expect an increase in new post-conviction cases and litigation. SPD estimates that it has allocated more than 2,000 hours in the past calendar year to its investigation and response to the problem. This work has been done by chief deputies, chief trial deputies, and legal directors who are charged with leading the agency's response in its most serious and complex legal matters. The agencies have absorbed the costs of the administrative response but will be unable to do so in the future as the pace of investigation and litigation escalates.

CBI states that it has identified 1,003 impacted cases. SPD and OADC anticipate representing the vast majority of defendants in these cases, because most people whose cases are affected are incarcerated and serving decades-long or life sentences. While CBI has not provided a list of affected cases, SPD and OADC took lists of impacted cases provided by district attorney offices and identified and eliminated cases where a suspect DNA profile has not been developed, a suspect has not been arrested, the jury acquitted the defendant, or a convicted person has died. Some cases have been identified because former clients contacted the agencies for help.

The agencies have identified a preliminary estimate of 200-300 cases currently or likely to require appointed counsel. The agencies believe that the number will likely be higher. CBI provided SPD a list of cases where Missy Woods testified, including 317 instances of in-person testimony in state courts.

To arrive at an anticipated cost per case, SPD and OADC looked at the cost per case for similarly situated post-conviction cases handled by OADC contractors, which average \$15,000 per case.

The types of cases impacted by CBI's misconduct are largely the most serious, requiring lengthy records reviews and analysis of complex factual and legal scenarios. Many of these cases will take years to move through the system and may require costly experts. The SPD and OADC identify an anticipated total cost of \$3,000,000 to \$4,500,000 for defense services.

The SPD and OADC state that other costs are anticipated and not fully accounted for in this request. The agencies state that cases may require independent analysis of DNA evidence by outside experts and independent laboratories. The agencies estimate each case will require an average of 15 hours of expert work at an average cost of \$300 per hour.

At this time, the agencies are seeking a single appropriation of \$2,000,000 General Fund for FY 2024-25, with multi-year spending authority, to be located in the SPD and accessible by both agencies. The appropriation will be administered by SPD and OADC will submit requests for reimbursement from the appropriation for work on impacted cases. SPD and OADC are seeking joint spending authority because it is currently unknown how the cases will be split between the agencies.

Staff consideration

The request narrative states that these cases will take years to move through the system. Therefore, staff recommends that the Committee consider funding this item at \$1,000,000.

An annual appropriation of \$1.0m per year provides a base appropriation to attend to this issue. While these resources are half of the request and may be considered "not enough", it is a reasonable initial set-aside to allow these agencies to pay for this extraordinary work.

The concept of multi-year spending authority is best applied when there is an expectation of a well-defined, total "project" amount anticipated to be spent over the period of a certain number of years when the State has an available reserve of state funding to set aside. In this case, there is no way to know how much may be expended or required in any given year and there is no way to accurately identify a total cost. Due to the current, statewide General Fund deficit, it is not a good practice to set aside new or additional funding in a pool for use in future years.

Nevertheless, the Committee has identified the \$7.4 million previously appropriated to the CBI for this purpose as a potential pool of funding that could be reallocated to include this purpose. An annual \$1.0m General Fund appropriation could be refinanced in non-budget bill appropriation clause to provide \$1.0m cash funds from a set aside of such funding. At this time there is not clarity on such a cash fund mechanism. Therefore, staff recommends a General Fund appropriation with one-year spending authority at this time.

Traditional, one-year spending authority provides the Committee with maximum oversight for these funds. The need for more funding can be readily identified, requested, and justified through the budget process. However, at a minimum, this provides a base of funding for these agencies to do the related case work that would otherwise have to be absorbed by agency base budgets.

The request places this appropriation in the Personal Services and Mandated Costs line items in the SPD. Staff instead recommends a new line item, Cases Impacted by CBI DNA Test Misconduct, for this appropriation in order to discretely maximize transparency.

→ R6 410 17th St Leased Space

Request

The SPD requests \$912,000 General Fund to permanently relocate their central office space from the Carr Judicial Center to their current, temporary space at 410 17th Street.

Recommendation

Staff recommends that the Committee deny the request.

Analysis

The SPD's constitutional role and mission as advocates for defendants in the judicial process creates a sense of friction in organizational culture due to its being located in the Carr Judicial Center. The SPD seeks to permanently relocate their central office space from the Carr Judicial Center to their current, temporary space at 410 17th Street.

The SPD calculates estimated costs at the Judicial Center for FY 2025-26 at \$1.5 million for its floor and a half of space. The SPD seeks permanent space for 55,000 square feet. The SPD request speaks of this as a cost-neutral item in which the equivalent amount incorporated into Carr Judicial Center General Fund support would simply be transferred from the Courts' appropriation.

The SPD anticipates remaining an additional year in temporary office space while repairs continue at their Carr Judicial Center space and seeks to make this temporary relocation permanent.

Staff consideration

Courts and Probation as Landlord of the Carr Judicial Center

As discussed at briefing, staff is not satisfied with the Courts' landlord operating and fiscal process for the Carr Judicial Center. For at least the last two budget cycles, staff has strongly urged the State Courts Administrator's Office (SCAO) to improve its building management operating policies to provide more transparent landlord-tenant rights and responsibilities with transparent, calculated leased space costs for the "statutorily hosted and captured" tenants of the building.

From first occupancy of the Carr Judicial Center, only the Department of Law has been provided a direct appropriation in its budget for its leased space costs in the building.

The current Courts' landlord system created challenges prior to the interior destruction experienced on January 2nd, 2024. More than two years ago, the Courts began a space needs

assessment for the building. This was due to tenant agencies requesting more office space, with no additional space available.

Based on the current structure, with the Courts and Probation as building owner and required to provide space for judicial independent agencies, space is experienced as "free" by tenant agencies. This leads to a sense of perpetual "need" for more space by those agencies. With transparent leased space costing, tenants could more clearly experience the cost of space, especially if noted on budget. Including leased space costs in agency budgets would enhance transparency and the determination of actual need based on cost by agency.

Additionally, to alleviate space needs, the Courts and Probation chose not to renew the lease for the cash-funded tenant space leased to the Statewide Internet Portal Authority (SIPA) at the end of 2023, just prior to the interior destruction and closure of the building. In making this choice, the Courts and Probation opted to eliminate a paying tenant in order to capture more "necessary" space.

Last budget cycle, the Committee approved a plan to provide more General Fund support for the Carr Judicial Center, primarily due to the insufficiency of cash fund revenue generation from fees intended to support the building. While staff supports a sustainable funding plan for the Carr Judicial Center, it is staff's opinion that the Courts and Probation are excessively relying on the State to provide General Fund support for its poor building management policies. As landlord, the Courts and Probation need to be responsible for earning revenue as necessary from satisfied tenants of the Carr Judicial Center in order to alleviate the subsidy from the State. At this time, the Courts and Probation continue to be deficient in this responsibility.

It is staff's opinion that the SPD should have the opportunity to seek space at a lower cost to the State, relative to the cost for its space in the Carr Judicial Center. However, the SPD remains unnecessarily captured to justify additional state General Fund support for the Courts and Probation.

Staff is generally supportive of the SPD request. However, staff does not anticipate that there would be a cost-neutral experience for the State related to this request until the SCAO takes a more fiscally responsible approach to its role as landlord. The costs associated with supporting the Carr Judicial Center, including General Fund support, is currently based on the actual cost for the building and not on a calculation of leased space cost by tenant.

Therefore, at this time, staff recommends that the Committee deny this request.

→ R7 SPD-OADC e-Discovery (legislation request)

Request

The SPD and the Office of Alternate Defense Counsel (OADC), with the support of the Colorado District Attorneys' Council (CDAC), jointly request that the JBC sponsor legislation to convene a task force to study and make legislative recommendations about how best to control state, county, and local government costs related to electronic discovery; and report with recommended legislative actions for the 2026 legislative session.

Recommendation

Staff recommends that the Committee consider pursuing legislation as requested. Staff estimates an interim task force cost of \$24,883 General Fund, including \$22,051 for Legislative Council Staff (LCS) support and \$2,832 for legislator per diem and travel reimbursement for two members for six meetings.

Analysis

Purpose

To mitigate future escalating costs to the state, legislation is requested to study and make legislative recommendations about how to best to control state, county, and local government costs related to electronic discovery.

Requested Legislation

1. Create a task force of relevant stakeholders, including legislators, chaired by the executive director of the CDAC.
2. Require that all relevant agencies share the necessary information with the task force unless confidential under law.
3. Require that the task force study:
 - all current contracts for access to electronic discovery for all agencies (licensing, services provided, and all key components) including the cost of those contracts, length, and expiration dates;
 - the legal and feasibility issues in coordinated contract negotiations between government actors from different branches and localities of government;
 - barriers to law enforcement and other users in relying on Colorado's eDiscovery system exclusively for evidence sharing;
 - the feasibility of enhancing eDiscovery or creating a new system that would minimize outside vendors or recommend actions to control costs and functions, including a single system for all agencies;
 - approaches in other states to manage efficient and cost-effective flow of discovery between criminal justice stakeholders; and
 - anticipated costs to state and local government if no changes are made.
4. Require that the task force make recommendations for legislation that include:
 - an implementation plan outline for controlling the costs of electronic discovery, including an outline for coordinated contract negotiation and payment to vendors by state and county governments;
 - ensuring the efficient flow of discovery from law enforcement to prosecuting attorneys to defense attorneys, and pro se defendants;
 - policies or processes to promote efficiency, including staff time for electronic discovery; and

- providing equitable access and ability to use electronic discovery while protecting the work product and processes of the parties.

5. Provide Legislative Council Staff (LCS) support for the task force and set a timeframe for task force meetings and written report deadline to the Joint Budget Committee or Joint Technology Committee.

Statewide eDiscovery Portal

In 2015, CDAC was allocated \$3 million annually from the General Fund to create and maintain a statewide eDiscovery portal that provides for the transfer of electronic discovery from law enforcement and prosecution directly to the defense. Funding included diversions from the SPD and OADC for discovery acquisition costs. The portal proved to be an effective tool allowing all parties to access discovery timely, efficiently, and in a cost-effective manner.

In recent years, there has been significant growth in media files transmitted through the discovery process. These include surveillance video collected from private parties and police interrogation rooms, audio files of phone calls and interviews, copies of electronic data from cell phones and computers, and various other files.

The biggest area of growth has come as police agencies expanded the use of body worn cameras. Senate Bill 20-217 (Enhance Law Enforcement Integrity) mandated that police agencies issue body worn cameras to officers on patrol who investigate criminal cases. This led local law enforcement agencies to contract with vendors to provide the equipment and store the video files from the cameras.

Axon, a primary vendor for body worn cameras, also operates an evidence-sharing portal, Evidence.com. Axon is a large, global company that manufactures various policing tools and systems including tasers, bodyworn cameras, in-car dash cameras, drones, and uncrewed vehicles. Other vendors of policing camera technology rely on their own proprietary evidence portals, thereby requiring parties to access multiple portals depending on which police agency was involved.

There are two primary ways for downstream recipients like prosecutors and defense teams to access materials on these evidence portals: (1) manual download links; or (2) direct access through licensing. Because of the amount of information that is created and shared on these systems, manually downloading large discovery files is inefficient and costly.

In the example of Axon's portal, the SPD receives approximately 1-2 terabytes a day from Evidence.com and, in some jurisdictions, Evidence.com discovery exceeds the total amount of discovery available through all other sources including CDAC's eDiscovery portal.

SPD currently manages much of the flow of large files from Evidence.com through an automated process that relies on direct access through purchased licenses. In FY23, SPD received one-time funding of \$50,000 and ongoing funding of \$123,636 in a FY 2023-24 supplemental to purchase these licenses. In coordination with CDAC, SPD also set up an automated download process with CDAC's e-Discovery at a minimal ongoing cost.

Most prosecutor's offices have also contracted with various vendors to gain direct access to the evidence portals used by local law enforcement. But the overall cost to counties is unknown because of the separate contracting processes by individual counties and prosecutors' offices. The overall cost to law enforcement for use of the various evidence portal vendors is unknown for the same reasons.

Because of its contractor-based model of service, centralizing access to evidence is more difficult for OADC. OADC does not have direct access to Axon's portal. Therefore, the state currently pays case assistant, paralegal, and attorney time to manage download links, an inefficient and costly approach to this problem. OADC contractors billed 14 percent more time for audio/video review and 18 percent more in review of discovery in FY 2023-24 than FY 2022-23. OADC.

Downstream users like prosecutors and defense attorneys are at a significant disadvantage in contract negotiations with body worn camera vendors because law enforcement has already committed to the vendor.

SPD's current licensing model with Axon, at a cost of \$123,636 annually, is scheduled after extension options to expire on April 30, 2027. Axon's recent quote for continued SPD access is \$1,142,856 per year for a 10-year term. This would be the lowest cost licensing model that Axon currently provides at the level of access needed by SPD. This cost is over \$1.0m more per year than current licensing cost and includes features the SPD does not need.

Alternatively, SPD would need to ask for increased staffing to return to a manual download approach. The SPD estimates that it would need between 26 and 40 additional discovery clerks to manage manual download links at an annual cost of \$2.3 to \$3.5 million General Fund.

While the General Assembly does not bear the cost for all interested parties, SPD and OADC are requesting legislation that would encourage coordination, data collection, and address any legal or logistical limitations to create a state-level solution to this problem.

At present, precise terms including cost, access features, length of contracts, and number of contracts with Axon and other vendors are not precisely known. Strategies that may help minimize costs could include upgrading the current eDiscovery portal to handle all the needs of the system, enabling or requiring law enforcement, district attorney offices, SPD, and OADC to negotiate together for a contract and equitable access with Axon and other vendors, or making requirements that any contracts with Axon and other vendors include equitable and efficient access by all downstream users. Information needs to be collected, and the issue studied and discussed to provide for the best course of action, which may require legislation.

→ R8 (NP2) Cash Funds True-up

Request

The SPD requests a budget neutral transfer of \$30,000 cash funds from training registration fees that is currently appropriated in Operating Expenses to the Training line item.

Recommendation

Staff recommends that the Committee approve the request.

Analysis

This item is a technical true-up. The training line item was a staff recommendation added in 2023 that included a transfer of \$350,000 General Fund from Operating Expenses. This cash funded appropriation should have been included in that budget action.

Line Item Detail

Personal Services

This line item provides funding to support staff in the central administrative and appellate offices in Denver, as well as the 21 regional trial offices.

Statutory authority: Section 21-1-101 et seq., C.R.S.

Office of State Public Defender, Personal Services						
Item	Total Funds	General Fund	Cash Funds	Reapprop. Funds	Federal Funds	FTE
FY 2024-25 Appropriation						
HB 24-1430 (Long Bill)	\$118,819,976	\$118,819,976	\$0	\$0	\$0	1,176.7
Total FY 2024-25	\$118,819,976	\$118,819,976	\$0	\$0	\$0	1,176.7
FY 2025-26 Recommended Appropriation						
FY 2024-25 Appropriation	\$118,819,976	\$118,819,976	\$0	\$0	\$0	1,176.7
Annualize prior year actions	11,331,970	11,331,970	0	0	0	28.6
SPD R1 Workload standards	0	0	0	0	0	0.0
SPD R4 Aurora municipal DV cases	0	0	0	0	0	0.0
SPD R5 Client rep - CBI DNA misconduct	0	0	0	0	0	0.0
SPD R7 OSPD-OADC E-Discovery legislation	0	0	0	0	0	0.0
SPD R2 UKG HR-payroll IT solution	-176,400	-176,400	0	0	0	0.0
Total FY 2025-26	\$129,975,546	\$129,975,546	\$0	\$0	\$0	1,205.3
Changes from FY 2024-25	\$11,155,570	\$11,155,570	\$0	\$0	\$0	28.6
Percentage Change	9.4%	9.4%	n/a	n/a	n/a	2.4%
FY 2025-26 Executive Request	\$132,442,636	\$132,442,636	\$0	\$0	\$0	1,214.8
Staff Rec. Above/-Below Request	-\$2,467,090	-\$2,467,090	\$0	\$0	\$0	-9.5

Health, Life, and Dental

This line item provides funding for the employer's share of health, life, and dental insurance.

Statutory authority: Pursuant to Section 24-50-611, C.R.S., and defined in Section 24-50-603 (9), C.R.S.

Staff recommendation is pending the Committee’s common policy for this line item. Staff requests permission to include the appropriation consistent with the Committee's action on this item.

Short-term Disability

This line item provides funding for the employer's share of short-term disability insurance premiums.

Statutory authority: Pursuant to Section 24-50-611, C.R.S., and defined in Section 24-50-603 (13), C.R.S.

Staff recommendation is pending the Committee’s common policy for this line item. Staff requests permission to include the appropriation consistent with the Committee's action on this item.

Paid Family and Medical Leave Insurance

This line item provides funding for Paid Family and Medical Leave Insurance. Colorado Proposition 118, Paid Family Medical Leave Initiative, was approved by voters in November 2020. The newly created paid family and medical leave insurance program requires employers and employees in Colorado to pay a payroll premium to finance paid family and medical leave insurance benefits beginning January 1, 2023 in order to finance up to 12 weeks of paid family medical leave for eligible employees beginning January 1, 2024. The premium is 0.9 percent with at least half of the cost paid by the employer.

Statutory authority: Section 8-13.3-501 et seq., C.R.S.

Staff recommendation is pending the Committee’s common policy for this line item. Staff requests permission to include the appropriation consistent with the Committee's action on this item.

Unfunded Liability Amortization Equalization Disbursement Payments

This line item provides funding for amortization and supplemental amortization payments to increase the funded status of the Public Employees’ Retirement Association (PERA). Beginning in FY 2024-25, this line item replaced the *S.B. 04-257 Amortization Equalization Disbursement (AED)* and *S.B. 06-235 Supplemental Amortization Equalization Disbursement (SAED)* line items.

Statutory authority: Section 24-51-411, C.R.S.

Staff recommendation is pending the Committee’s common policy for this line item. Staff requests permission to include the appropriation consistent with the Committee's action on this item.

Salary Survey

This line item provides funding for annual salary increases.

Statutory authority: Pursuant to Section 24-50-104, C.R.S.

Staff recommendation is pending the Committee’s common policy for this line item. Staff requests permission to include the appropriation consistent with the Committee's action on this item.

Step Pay

This line item provides funding for the step pay plan. The step pay plan took effect in FY 2024-25 as a result of the collective bargaining agreement for the Executive Branch. The State Public Defender has instituted an independent and equivalent step plan.

Statutory authority: Section 24-50-1101 et seq., C.R.S.

Staff recommendation is pending the Committee’s common policy for this line item. Staff requests permission to include the appropriation consistent with the Committee's action on this item.

PERA Direct Distribution

This line item is included as a common policy allocation payment for the state portion of the PERA Direct Distribution created in Section 24-51-414, C.R.S., enacted in S.B. 18-200. Prior to FY 2023-24 appropriations were paid by the Courts for all agencies in the Judicial Department.

Statutory authority: Section 24-51-414 (2) C.R.S.

Staff recommendation is pending the Committee’s common policy for this line item. Staff requests permission to include the appropriation consistent with the Committee's action on this item.

Operating expenses

This line item provides funding for general operating expenses, including travel and motor pool, equipment rental and maintenance, office supplies, printing, postage, and employee training.

Statutory authority: Section 21-1-101 et seq., C.R.S.

Office of State Public Defender, Operating Expenses						
Item	Total Funds	General Fund	Cash Funds	Reappropri. Funds	Federal Funds	FTE
FY 2024-25 Appropriation						
HB 24-1430 (Long Bill)	\$2,276,532	\$2,246,532	\$30,000	\$0	\$0	0.0
Total FY 2024-25	\$2,276,532	\$2,246,532	\$30,000	\$0	\$0	0.0
FY 2025-26 Recommended Appropriation						
FY 2024-25 Appropriation	\$2,276,532	\$2,246,532	\$30,000	\$0	\$0	0.0
Annualize prior year actions	27,146	27,146	0	0	0	0.0
SPD R1 Workload standards	0	0	0	0	0	0.0
SPD R4 Aurora municipal DV cases	0	0	0	0	0	0.0
SPD R8 (NP2) Cash funds true-up	-30,000	0	-30,000	0	0	0.0
Total FY 2025-26	\$2,273,678	\$2,273,678	\$0	\$0	\$0	0.0

Office of State Public Defender, Operating Expenses						
Item	Total Funds	General Fund	Cash Funds	Reapprop. Funds	Federal Funds	FTE
Changes from FY 2024-25	-\$2,854	\$27,146	-\$30,000	\$0	\$0	0.0
Percentage Change	-0.1%	1.2%	-100.0%	n/a	n/a	n/a
FY 2025-26 Executive Request	\$2,284,128	\$2,284,128	\$0	\$0	\$0	0.0
Staff Rec. Above/-Below Request	-\$10,450	-\$10,450	\$0	\$0	\$0	0.0

Workers' Compensation [new line item]

This line item pays for the Office's share of the statewide workers' compensation program.

Statutory authority: Pursuant to Section 24-30-1510.7, C.R.S.

Staff recommendation is pending additional information from the Department of Personnel on the Judicial Department share for this item for the SPD. Staff requests permission to include the appropriation consistent with the Committee's action on this item.

Legal Services

This line item provides funding for legal services from the Department of Law.

Statutory authority: Pursuant to 24-31-101 (1) (a), C.R.S., and defined in Section 24-75-112 (1), C.R.S.

Staff recommendation is pending the Committee's common policy for this line item. Staff requests permission to include the appropriation consistent with the Committee's action on this item.

Payment to Risk Management and Property Funds [new line item]

This line item pays for the Office's share of the statewide risk management costs for the liability and property programs.

Statutory authority: Pursuant to Sections 24-30-1510 and 24-30-1510.5, C.R.S.

Staff recommendation is pending additional information from the Department of Personnel on the Judicial Department share for this item for the SPD. Staff requests permission to include the appropriation consistent with the Committee's action on this item.

Vehicle Lease Payments

This line item provides funding for payments to the Department of Personnel for the cost of vehicle lease-purchase payments for new and replacement motor vehicles.

Statutory authority: Pursuant to Section 24-30-1104 (2), C.R.S.

Office of State Public Defender, Vehicle Lease Payments						
Item	Total Funds	General Fund	Cash Funds	Reapprop. Funds	Federal Funds	FTE

Office of State Public Defender, Vehicle Lease Payments						
Item	Total Funds	General Fund	Cash Funds	Reappropri. Funds	Federal Funds	FTE
FY 2024-25 Appropriation						
HB 24-1430 (Long Bill)	\$116,752	\$116,752	\$0	\$0	\$0	0.0
Total FY 2024-25	\$116,752	\$116,752	\$0	\$0	\$0	0.0
FY 2025-26 Recommended Appropriation						
FY 2024-25 Appropriation	\$116,752	\$116,752	\$0	\$0	\$0	0.0
Centrally appropriated line items	20,554	20,554	0	0	0	0.0
Total FY 2025-26	\$137,306	\$137,306	\$0	\$0	\$0	0.0
Changes from FY 2024-25	\$20,554	\$20,554	\$0	\$0	\$0	0.0
Percentage Change	17.6%	17.6%	n/a	n/a	n/a	n/a
FY 2025-26 Executive Request	\$138,550	\$138,550	\$0	\$0	\$0	0.0
Staff Rec. Above/-Below Request	-\$1,244	-\$1,244	\$0	\$0	\$0	0.0

Capital Outlay

This line item provides one-time funding for furniture and computer costs for new employees.

Statutory authority: Section 21-1-101 et seq., C.R.S.

Office of State Public Defender, Capital Outlay						
Item	Total Funds	General Fund	Cash Funds	Reappropri. Funds	Federal Funds	FTE
FY 2024-25 Appropriation						
HB 24-1430 (Long Bill)	\$693,013	\$693,013	\$0	\$0	\$0	0.0
Total FY 2024-25	\$693,013	\$693,013	\$0	\$0	\$0	0.0
FY 2025-26 Recommended Appropriation						
FY 2024-25 Appropriation	\$693,013	\$693,013	\$0	\$0	\$0	0.0
SPD R1 Workload standards	0	0	0	0	0	0.0
SPD R4 Aurora municipal DV cases	0	0	0	0	0	0.0
Annualize prior year actions	-693,013	-693,013	0	0	0	0.0
Total FY 2025-26	\$0	\$0	\$0	\$0	\$0	0.0
Changes from FY 2024-25	-\$693,013	-\$693,013	\$0	\$0	\$0	0.0
Percentage Change	-100.0%	-100.0%	n/a	n/a	n/a	n/a
FY 2025-26 Executive Request	\$73,370	\$73,370	\$0	\$0	\$0	0.0
Staff Rec. Above/-Below Request	-\$73,370	-\$73,370	\$0	\$0	\$0	0.0

Leased Space and Utilities

This line item funds lease payments for regional offices statewide. This line item covers all SPD leases except those associated with the central administrative and appellate offices, which are located at the Ralph L. Carr Colorado Judicial Center. Most Carr Judicial Center leased space

costs for tenant agencies are included in the line item appropriation in the Courts Administration section of the budget.

Statutory authority: Section 21-1-101 et seq., C.R.S.

Office of State Public Defender, Leased Space and Utilities						
Item	Total Funds	General Fund	Cash Funds	Reapprop. Funds	Federal Funds	FTE
FY 2024-25 Appropriation						
HB 24-1430 (Long Bill)	\$10,038,543	\$10,038,543	\$0	\$0	\$0	0.0
Total FY 2024-25	\$10,038,543	\$10,038,543	\$0	\$0	\$0	0.0
FY 2025-26 Recommended Appropriation						
FY 2024-25 Appropriation	\$10,038,543	\$10,038,543	\$0	\$0	\$0	0.0
Centrally appropriated line items	655,744	655,744	0	0	0	0.0
Annualize prior year actions	188,595	188,595	0	0	0	0.0
SPD R6 410 17th St leased space	0	0	0	0	0	0.0
Total FY 2025-26	\$10,882,882	\$10,882,882	\$0	\$0	\$0	0.0
Changes from FY 2024-25	\$844,339	\$844,339	\$0	\$0	\$0	0.0
Percentage Change	8.4%	8.4%	n/a	n/a	n/a	n/a
FY 2025-26 Executive Request	\$11,794,882	\$11,794,882	\$0	\$0	\$0	0.0
Staff Rec. Above/-Below Request	-\$912,000	-\$912,000	\$0	\$0	\$0	0.0

Automation Plan

This line item funds the maintenance and lifecycle replacement of IT and office equipment, including IT, A/V, and phone system hardware, software and application licenses, and servers and network infrastructure. This line item also funds IT security protection services and technology-related supplies and contractual expenses for online legal research resources.

Statutory authority: Section 21-1-101 et seq., C.R.S.

Office of State Public Defender, Automation Plan						
Item	Total Funds	General Fund	Cash Funds	Reapprop. Funds	Federal Funds	FTE
FY 2024-25 Appropriation						
HB 24-1430 (Long Bill)	\$3,600,913	\$3,600,913	\$0	\$0	\$0	0.0
SB 25-096 (Supplemental Bill)	\$713,681	\$713,681	\$0	\$0	\$0	0.0
Total FY 2024-25	\$4,314,594	\$4,314,594	\$0	\$0	\$0	0.0
FY 2025-26 Recommended Appropriation						
FY 2024-25 Appropriation	\$4,314,594	\$4,314,594	\$0	\$0	\$0	0.0
SPD BA1 IT security	985,554	985,554	0	0	0	0.0
SPD R2 UKG HR-payroll IT solution	176,400	176,400	0	0	0	0.0
SPD R1 Workload standards	0	0	0	0	0	0.0
SPD R4 Aurora municipal DV cases	0	0	0	0	0	0.0
SPD R3 IT storage continuation	-950,000	-950,000	0	0	0	0.0

Office of State Public Defender, Automation Plan						
Item	Total Funds	General Fund	Cash Funds	Reapprop. Funds	Federal Funds	FTE
Annualize prior year actions	-704,253	-704,253	0	0	0	0.0
Total FY 2025-26	\$3,822,295	\$3,822,295	\$0	\$0	\$0	0.0
Changes from FY 2024-25	-\$492,299	-\$492,299	\$0	\$0	\$0	0.0
Percentage Change	-11.4%	-11.4%	n/a	n/a	n/a	n/a
FY 2025-26 Executive Request	\$6,437,692	\$6,437,692	\$0	\$0	\$0	0.0
Staff Rec. Above/-Below Request	-\$2,615,397	-\$2,615,397	\$0	\$0	\$0	0.0

Data Storage [new line item]

This line item pays for costs related to the Office's data storage system.

Statutory authority: Section 21-1-101 et seq., C.R.S.

Office of State Public Defender, Data Storage						
Item	Total Funds	General Fund	Cash Funds	Reapprop. Funds	Federal Funds	FTE
FY 2024-25 Appropriation						
HB 24-1430 (Long Bill)	\$0	\$0	\$0	\$0	\$0	0.0
Total FY 2024-25	\$0	\$0	\$0	\$0	\$0	0.0
FY 2025-26 Recommended Appropriation						
FY 2024-25 Appropriation	\$0	\$0	\$0	\$0	\$0	0.0
SPD R3 IT storage continuation	2,506,767	2,506,767	0	0	0	0.0
Total FY 2025-26	\$2,506,767	\$2,506,767	\$0	\$0	\$0	0.0
Changes from FY 2024-25	\$2,506,767	\$2,506,767	\$0	\$0	\$0	0.0
Percentage Change	n/a	n/a	n/a	n/a	n/a	n/a
FY 2025-26 Executive Request	\$0	\$0	\$0	\$0	\$0	0.0
Staff Rec. Above/-Below Request	\$2,506,767	\$2,506,767	\$0	\$0	\$0	0.0

Payments to OIT [new line item]

This line item pays for IT services provided by the Governor's Office of Information Technology.

Statutory authority: Section 24-37.5-104, C.R.S.

Staff recommendation is pending the Committee's common policy for this line item. Staff requests permission to include the appropriation consistent with the Committee's action on this item.

CORE Operations [new line item]

This line item pays for the use of the state's accounting system, CORE.

Statutory authority: Pursuant to Section 24-30-209, C.R.S.

Staff recommendation is pending additional information from the Department of Personnel on the Judicial Department share for this item for the SPD. Staff requests permission to include the appropriation consistent with the Committee's action on this item.

Attorney Registration

This line item funds the cost of annual attorney registration fees for staff attorneys.

Statutory authority: Section 21-1-101 et seq., C.R.S.

Office of State Public Defender, Attorney Registration						
Item	Total Funds	General Fund	Cash Funds	Reapprop. Funds	Federal Funds	FTE
FY 2024-25 Appropriation						
HB 24-1430 (Long Bill)	\$166,134	\$166,134	\$0	\$0	\$0	0.0
Total FY 2024-25	\$166,134	\$166,134	\$0	\$0	\$0	0.0
FY 2025-26 Recommended Appropriation						
FY 2024-25 Appropriation	\$166,134	\$166,134	\$0	\$0	\$0	0.0
SPD R4 Aurora municipal DV cases	0	0	0	0	0	0.0
Total FY 2025-26	\$166,134	\$166,134	\$0	\$0	\$0	0.0
Changes from FY 2024-25	\$0	\$0	\$0	\$0	\$0	0.0
Percentage Change	0.0%	0.0%	n/a	n/a	n/a	n/a
FY 2025-26 Executive Request	\$167,084	\$167,084	\$0	\$0	\$0	0.0
Staff Rec. Above/-Below Request	-\$950	-\$950	\$0	\$0	\$0	0.0

Contract Services

This line item provides funding to hire contract attorneys to represent SPD attorneys in grievance claims filed by former clients.

Statutory authority: Section 21-1-101 et seq., C.R.S.

Office of State Public Defender, Contract Services						
Item	Total Funds	General Fund	Cash Funds	Reapprop. Funds	Federal Funds	FTE
FY 2024-25 Appropriation						
HB 24-1430 (Long Bill)	\$49,395	\$49,395	\$0	\$0	\$0	0.0
Total FY 2024-25	\$49,395	\$49,395	\$0	\$0	\$0	0.0
FY 2025-26 Recommended Appropriation						
FY 2024-25 Appropriation	\$49,395	\$49,395	\$0	\$0	\$0	0.0
Total FY 2025-26	\$49,395	\$49,395	\$0	\$0	\$0	0.0
Percentage Change	0.0%	0.0%	n/a	n/a	n/a	n/a
FY 2025-26 Executive Request	\$49,395	\$49,395	\$0	\$0	\$0	0.0

Office of State Public Defender, Contract Services						
Item	Total Funds	General Fund	Cash Funds	Reapprop. Funds	Federal Funds	FTE
Staff Rec. Above/-Below Request	\$0	\$0	\$0	\$0	\$0	0.0

Mandated Costs

This line item provides funding for costs associated with activities, events, and services that accompany court cases that are required in statute and/or the U.S. and Colorado Constitutions to ensure a fair and speedy trial, and to ensure the right to legal representation including discovery, transcripts, expert witnesses, and interpreter services.

Statutory authority: Section 21-1-101 et seq., C.R.S.

Office of State Public Defender, Mandated Costs						
Item	Total Funds	General Fund	Cash Funds	Reapprop. Funds	Federal Funds	FTE
FY 2024-25 Appropriation						
HB 24-1430 (Long Bill)	\$4,604,036	\$4,604,036	\$0	\$0	\$0	0.0
Total FY 2024-25	\$4,604,036	\$4,604,036	\$0	\$0	\$0	0.0
FY 2025-26 Recommended Appropriation						
FY 2024-25 Appropriation	\$4,604,036	\$4,604,036	\$0	\$0	\$0	0.0
SPD R5 Client rep - CBI DNA misconduct	0	0	0	0	0	0.0
Total FY 2025-26	\$4,604,036	\$4,604,036	\$0	\$0	\$0	0.0
Changes from FY 2024-25	\$0	\$0	\$0	\$0	\$0	0.0
Percentage Change	0.0%	0.0%	n/a	n/a	n/a	n/a
FY 2025-26 Executive Request	\$5,104,036	\$5,104,036	\$0	\$0	\$0	0.0
Staff Rec. Above/-Below Request	-\$500,000	-\$500,000	\$0	\$0	\$0	0.0

Training

This line item provides funding for staff training expenses.

Statutory authority: Section 21-1-101 et seq., C.R.S.

Office of State Public Defender, Training						
Item	Total Funds	General Fund	Cash Funds	Reapprop. Funds	Federal Funds	FTE
FY 2024-25 Appropriation						
HB 24-1430 (Long Bill)	\$436,000	\$436,000	\$0	\$0	\$0	0.0
Total FY 2024-25	\$436,000	\$436,000	\$0	\$0	\$0	0.0
FY 2025-26 Recommended Appropriation						
FY 2024-25 Appropriation	\$436,000	\$436,000	\$0	\$0	\$0	0.0
SPD R8 (NP2) Cash funds true-up	30,000	0	30,000	0	0	0.0
SPD R1 Workload standards	0	0	0	0	0	0.0

Office of State Public Defender, Training						
Item	Total Funds	General Fund	Cash Funds	Reapprop. Funds	Federal Funds	FTE
SPD R4 Aurora municipal DV cases	0	0	0	0	0	0.0
Total FY 2025-26	\$466,000	\$436,000	\$30,000	\$0	\$0	0.0
Changes from FY 2024-25	\$30,000	\$0	\$30,000	\$0	\$0	0.0
Percentage Change	6.9%	0.0%	n/a	n/a	n/a	n/a
FY 2025-26 Executive Request	\$477,000	\$447,000	\$30,000	\$0	\$0	0.0
Staff Rec. Above/-Below Request	-\$11,000	-\$11,000	\$0	\$0	\$0	0.0

Grants

This line item provides spending authority for grants funding.

Statutory authority: Section 21-1-101 et seq., C.R.S.

Office of State Public Defender, Grants						
Item	Total Funds	General Fund	Cash Funds	Reapprop. Funds	Federal Funds	FTE
FY 2024-25 Appropriation						
HB 24-1430 (Long Bill)	\$713,364	\$0	\$713,364	\$0	\$0	6.8
Total FY 2024-25	\$713,364	\$0	\$713,364	\$0	\$0	6.8
FY 2025-26 Recommended Appropriation						
FY 2024-25 Appropriation	\$713,364	\$0	\$713,364	\$0	\$0	6.8
Total FY 2025-26	\$713,364	\$0	\$713,364	\$0	\$0	6.8
Percentage Change	0.0%	n/a	0.0%	n/a	n/a	0.0%
FY 2025-26 Executive Request	\$713,364	\$0	\$713,364	\$0	\$0	6.8
Staff Rec. Above/-Below Request	\$0	\$0	\$0	\$0	\$0	0.0

Cases Impacted by CBI DNA Test Misconduct

This line item provides funding for extraordinary casework related to cases impacted by CBI DNA test misconduct. This line item also serves as a reimbursement appropriation for the Office of Alternate Defense Counsel for the same purpose.

Statutory authority: Section 21-1-101 et seq., C.R.S.

Office of State Public Defender, Cases Impacted by CBI DNA Test Misconduct						
Item	Total Funds	General Fund	Cash Funds	Reapprop. Funds	Federal Funds	FTE
FY 2024-25 Appropriation						
HB 24-1430 (Long Bill)	\$0	\$0	\$0	\$0	\$0	0.0
Total FY 2024-25	\$0	\$0	\$0	\$0	\$0	0.0

Office of State Public Defender, Cases Impacted by CBI DNA Test Misconduct						
Item	Total Funds	General Fund	Cash Funds	Reapprop. Funds	Federal Funds	FTE
FY 2025-26 Recommended Appropriation						
FY 2024-25 Appropriation	\$0	\$0	\$0	\$0	\$0	0.0
SPD R5 Client rep - CBI DNA misconduct	1,000,000	1,000,000	0	0	0	0.0
Total FY 2025-26	\$1,000,000	\$1,000,000	\$0	\$0	\$0	0.0
Changes from FY 2024-25	\$1,000,000	\$1,000,000	\$0	\$0	\$0	0.0
Percentage Change	n/a	n/a	n/a	n/a	n/a	n/a
FY 2025-26 Executive Request	\$0	\$0	\$0	\$0	\$0	0.0
Staff Rec. Above/-Below Request	\$1,000,000	\$1,000,000	\$0	\$0	\$0	0.0

Long Bill Footnotes

Staff recommends **continuing** the following footnote.

- 64 Judicial Department, Office of the State Public Defender -- In addition to the transfer authority provided in Section 24-75-108 (5), C.R.S., up to 5.0 percent of the total Office of the State Public Defender appropriation may be transferred between line items in the Office of the State Public Defender.

Comment: Staff recommends continuing the footnote. This is one of four footnotes that authorize the four largest independent agencies to transfer a limited amount of funding among their line item appropriations.

Requests for Information

Staff recommends **continuing and modifying** the following requests for information.

- 1 Department of ... [use struck type and small caps to show changes]

Comment: Judicial Department, Office of the State Public Defender – The State Public Defender is requested to provide by November 1, ~~2024~~ 2025, a report concerning the Appellate Division's progress in reducing its case backlog, including the following data for FY ~~2023-24~~ 2024-25: the number of new cases; the number of opening briefs filed by the Office of the State Public Defender; the number of cases resolved in other ways; the number of cases closed; and the number of cases awaiting an opening brief as of June 30, ~~2024~~ 2025.

Indirect Cost Assessment

The SPD does not include significant non-General Fund sources of Revenue. Therefore, there is no indirect cost assessment plan.

JBC Staff Figure Setting - FY 2025-26
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Appendix A: Numbers Pages

	FY 2022-23 Actual	FY 2023-24 Actual	FY 2024-25 Appropriation	FY 2025-26 Request	FY 2025-26 Recommendation
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JUDICIAL DEPARTMENT
Brian Boatright, Chief Justice

(5) OFFICE OF STATE PUBLIC DEFENDER

This independent agency provides legal counsel for indigent defendants in criminal and juvenile delinquency cases where there is a possibility of being jailed or imprisoned.

Personal Services	<u>88,160,687</u>	<u>94,767,378</u>	<u>118,819,976</u>	<u>132,442,636</u>	<u>129,975,546</u> *
FTE	985.7	1,046.2	1,176.7	1,214.8	1,205.3
General Fund	88,160,687	94,767,378	118,819,976	132,442,636	129,975,546
Cash Funds	0	0	0	0	0
Reappropriated Funds	0	0	0	0	0
Federal Funds	0	0	0	0	0
Health, Life, and Dental	<u>11,157,201</u>	<u>12,944,641</u>	<u>14,369,979</u>	<u>16,956,831</u>	<u>16,831,353</u>
General Fund	11,157,201	12,944,641	14,369,979	16,956,831	16,831,353
Cash Funds	0	0	0	0	0
Reappropriated Funds	0	0	0	0	0
Federal Funds	0	0	0	0	0
Short-term Disability	<u>131,956</u>	<u>157,798</u>	<u>169,014</u>	<u>83,966</u>	<u>83,966</u>
General Fund	131,956	157,798	169,014	83,966	83,966
Paid Family and Medical Leave Insurance	<u>0</u>	<u>0</u>	<u>507,043</u>	<u>539,779</u>	<u>539,779</u>
General Fund	0	0	507,043	539,779	539,779
Unfunded Liability Amortization Equalization					
Disbursement Payments	<u>0</u>	<u>0</u>	<u>11,267,620</u>	<u>11,995,092</u>	<u>11,995,092</u>
General Fund	0	0	11,267,620	11,995,092	11,995,092

* Includes a decision item

JBC Staff Figure Setting - FY 2025-26
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	FY 2022-23 Actual	FY 2023-24 Actual	FY 2024-25 Appropriation	FY 2025-26 Request	FY 2025-26 Recommendation
S.B. 04-257 Amortization Equalization					
Disbursement	<u>3,889,657</u>	<u>4,931,186</u>	<u>0</u>	<u>0</u>	<u>0</u>
General Fund	3,889,657	4,931,186	0	0	0
S.B. 06-235 Supplemental Amortization					
Equalization Disbursement	<u>3,889,657</u>	<u>4,931,186</u>	<u>0</u>	<u>0</u>	<u>0</u>
General Fund	3,889,657	4,931,186	0	0	0
Salary Survey	<u>2,463,110</u>	<u>16,158,336</u>	<u>4,952,671</u>	<u>3,236,611</u>	<u>3,236,611</u>
General Fund	2,463,110	16,158,336	4,952,671	3,236,611	3,236,611
Cash Funds	0	0	0	0	0
Reappropriated Funds	0	0	0	0	0
Federal Funds	0	0	0	0	0
Step Pay	<u>0</u>	<u>0</u>	<u>3,773,303</u>	<u>4,388,977</u>	<u>4,388,977</u>
General Fund	0	0	3,773,303	4,388,977	4,388,977
PERA Direct Distribution	<u>0</u>	<u>277,101</u>	<u>1,622,163</u>	<u>2,114,596</u>	<u>2,114,596</u>
General Fund	0	277,101	1,622,163	2,114,596	2,114,596
Cash Funds	0	0	0	0	0
Reappropriated Funds	0	0	0	0	0
Federal Funds	0	0	0	0	0
Operating Expenses	<u>2,525,862</u>	<u>2,287,232</u>	<u>2,276,532</u>	<u>2,284,128</u>	<u>2,273,678</u> *
General Fund	2,508,437	2,273,732	2,246,532	2,284,128	2,273,678
Cash Funds	17,425	13,500	30,000	0	0
Workers' Compensation	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>1</u>
General Fund	0	0	0	0	1

* Includes a decision item

JBC Staff Figure Setting - FY 2025-26
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	FY 2022-23 Actual	FY 2023-24 Actual	FY 2024-25 Appropriation	FY 2025-26 Request	FY 2025-26 Recommendation
Legal Services	<u>0</u>	<u>0</u>	96,860	50,537	50,537
General Fund	0	0	96,860	50,537	50,537
Payment to Risk Management and Property Funds	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>1</u>
General Fund	0	0	0	0	1
Vehicle Lease Payments	<u>98,698</u>	<u>93,870</u>	<u>116,752</u>	<u>138,550</u>	<u>137,306</u>
General Fund	98,698	93,870	116,752	138,550	137,306
Capital Outlay	<u>518,668</u>	<u>281,350</u>	<u>693,013</u>	<u>73,370</u>	<u>0</u> *
General Fund	518,668	281,350	693,013	73,370	0
Leased Space and Utilities	<u>8,120,595</u>	<u>9,172,363</u>	<u>10,038,543</u>	<u>11,794,882</u>	<u>10,882,882</u> *
General Fund	8,120,595	9,172,363	10,038,543	11,794,882	10,882,882
Automation Plan	<u>4,068,288</u>	<u>4,441,512</u>	<u>4,314,594</u>	<u>6,437,692</u>	<u>3,822,295</u> *
General Fund	4,068,288	4,441,512	4,314,594	6,437,692	3,822,295
Cash Funds	0	0	0	0	0
Reappropriated Funds	0	0	0	0	0
Federal Funds	0	0	0	0	0
Data Storage	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>2,506,767</u> *
General Fund	0	0	0	0	2,506,767
Payments to OIT	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>1</u>
General Fund	0	0	0	0	1
CORE Operations	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>1</u>
General Fund	0	0	0	0	1

* Includes a decision item

JBC Staff Figure Setting - FY 2025-26
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	FY 2022-23 Actual	FY 2023-24 Actual	FY 2024-25 Appropriation	FY 2025-26 Request	FY 2025-26 Recommendation
Attorney Registration	<u>168,998</u>	<u>156,634</u>	<u>166,134</u>	<u>167,084</u>	<u>166,134</u> *
General Fund	168,998	156,634	166,134	167,084	166,134
Contract Services	<u>3,169</u>	<u>3,075</u>	<u>49,395</u>	<u>49,395</u>	<u>49,395</u>
General Fund	3,169	3,075	49,395	49,395	49,395
Mandated Costs	<u>3,530,004</u>	<u>4,656,665</u>	<u>4,604,036</u>	<u>5,104,036</u>	<u>4,604,036</u> *
General Fund	3,530,004	4,656,665	4,604,036	5,104,036	4,604,036
Training	<u>0</u>	<u>500,000</u>	<u>436,000</u>	<u>477,000</u>	<u>466,000</u> *
General Fund	0	500,000	436,000	447,000	436,000
Cash Funds	0	0	0	30,000	30,000
Grants	<u>125,000</u>	<u>271,062</u>	<u>713,364</u>	<u>713,364</u>	<u>713,364</u>
FTE	1.0	2.3	6.8	6.8	6.8
Cash Funds	125,000	271,062	713,364	713,364	713,364
Reappropriated Funds	0	0	0	0	0
Federal Funds	0	0	0	0	0
Cases Impacted by CBI DNA Test Misconduct	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>1,000,000</u> *
General Fund	0	0	0	0	1,000,000
TOTAL - (5) Office of State Public Defender	128,851,550	156,031,389	178,986,992	199,048,526	195,838,318
FTE	<u>986.7</u>	<u>1,048.5</u>	<u>1,183.5</u>	<u>1,221.6</u>	<u>1,212.1</u>
General Fund	128,709,125	155,746,827	178,243,628	198,305,162	195,094,954
Cash Funds	142,425	284,562	743,364	743,364	743,364
Reappropriated Funds	0	0	0	0	0
Federal Funds	0	0	0	0	0

* Includes a decision item

JBC Staff Figure Setting - FY 2025-26
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	FY 2022-23 Actual	FY 2023-24 Actual	FY 2024-25 Appropriation	FY 2025-26 Request	FY 2025-26 Recommendation
TOTAL - Judicial Department	128,851,550	156,031,389	178,986,992	199,048,526	195,838,318
<i>FTE</i>	<u>986.7</u>	<u>1,048.5</u>	<u>1,183.5</u>	<u>1,221.6</u>	<u>1,212.1</u>
General Fund	128,709,125	155,746,827	178,243,628	198,305,162	195,094,954
Cash Funds	142,425	284,562	743,364	743,364	743,364
Reappropriated Funds	0	0	0	0	0
Federal Funds	0	0	0	0	0