

**Commission on Legal Counsel for Indigents**  
**Budget No. 188**  
**House Bill No. 1022**

	<b>FTE Positions</b>	<b>General Fund</b>	<b>Other Funds</b>	<b>Total</b>
2023-25 legislative appropriation	41.00	\$20,608,898	\$2,011,222	\$22,620,120 <sup>1</sup>
2021-23 legislative appropriation	<u>40.00</u>	<u>19,294,363</u>	<u>1,994,850</u>	<u>21,289,213</u>
2023-25 appropriation increase (decrease) to 2021-23 appropriation	1.00	\$1,314,535	\$16,372	\$1,330,907

<sup>1</sup>This amount does not include any transfers of appropriation authority from the Office of Management and Budget funding pools for targeted market equity adjustments, retirement contribution increases, or new and vacant FTE positions.

**Item Description**

**Full-time equivalent changes** - The Legislative Assembly approved 41 FTE positions for the Commission on Legal Counsel for Indigents for the 2023-25 biennium, an increase of 1 FTE position from the 2021-23 biennium. The Legislative Assembly added 1 FTE investigator position.

**Targeted market equity** - The Legislative Assembly appropriated \$82.5 million, of which \$45.1 million is from the general fund, to the Office of Management and Budget for a targeted market equity pool to be distributed to state agencies.

**New and vacant FTE funding pool** - The Legislative Assembly reduced \$398,509 of 2023-25 biennium appropriation authority, including \$391,375 from the general fund and \$7,134 from other funds, for the commission for the new and vacant FTE funding pool. Of the \$398,509 reduction, \$137,781 from the general fund relates to new FTE positions and \$260,728, of which \$253,594 is from the general fund and \$7,134 is from other funds.

**Court case assignments** - The commission provides legal representation for indigent persons in cases where the person has a right to an attorney under the United States Constitution, Constitution of North Dakota, or North Dakota Century Code. If a court determines a person who has been charged with a crime is indigent, the court will assign the case to the commission.

**Status/Result**

The commission filled the defense investigator lead FTE position in September 2023.

The commission received \$365,529, including \$354,952 from the general fund and \$10,577 from other funds, for targeted market equity increases. Equity increases were provided to 22 employees.

The commission has received \$137,781 from the general fund from the new and vacant FTE funding pool to fill 1 new FTE position. Through January 2024, the commission had estimated vacant FTE position savings of \$281,995. The commission spent \$348,593 for costs relating to the vacancies, including \$17,943 for accrued leave payouts and \$330,650 for contract services to provide legal counsel for indigents. The number of vacancies in the office has been as high as 9 FTE positions.

The following is a summary of court cases assigned to the commission. The cases shown for the 2023-25 biennium are based on actual cases through March 2024 and projected cases for the remainder of the biennium.

Judicial District	Actual Cases			Projected Cases
	2017-19 Biennium	2019-21 Biennium	2021-23 Biennium	2023-25 Biennium
East Central	7,436	8,156	8,696	9,438
North Central	3,209	3,010	3,031	3,102
Northeast	1,926	2,301	2,603	2,907
Northeast Central	2,776	2,784	3,857	3,879
Northwest	2,986	2,826	2,393	2,544
South Central	8,540	7,844	8,079	8,598
Southeast	2,658	2,310	2,320	2,142
Southwest	1,236	1,344	1,367	1,371
Total	30,767	30,575	32,346	33,981