

PRESS RELEASE

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MONTANA LEGISLATURE LOOKS TO RAID LOCAL GOVERNMENT REVENUES & DIRECT MONEY TO THE OFFICE OF PUBLIC DEFENDER

An Amendment attached to House Bill 2 (the State's budget bill) provides the Legislature the opportunity to reduce local government revenues and divert them to Office of Public Defender (OPD). OPD is a state agency that has nearly doubled in size since the Legislature assumed the program from Montana counties. The Legislative Fiscal Division (LFD) reports that the public defender system appropriations in 2007 were \$18.6 million. The budget request, including supplemental appropriations for the current biennium, are nearly \$40 million for the upcoming biennium.

Members of the Part D Joint Appropriations Subcommittee (on judicial branch, law enforcement, and justice) heard testimony from OPD that local ordinances are driving up the cost of counsel in Montana. While that testimony was refuted by elected representatives of cities/towns and county commissioners (39 people testified as referenced in the attached minutes), the subcommittee moved forward with a plan to reduce payments to cities and counties and direct the funds to OPD.

The erroneous testimony was repeated by OPD in the General Appropriations Committee on March 8th, and the numbers don't add up. LFD reports that lower court cases (misdemeanor cases in city/municipal and justice courts) with assigned counsel are at a 5-year low.

The LFD 2021 Biennium Report tracked "lower court" caseload statistics from FY 2014 to FY 2018 (page D-115) and found the following:

Case Type	FY 2014	FY 2015	FY 2016	FY 2017	FY 2018
Lower Courts	19,803	20,814	21,543	21,412	18,967
Dependent/Neglect	3,029	3,925	4,691	4,853	4,535
Juvenile	1,052	927	907	877	799
Involuntary	1,046	1,080	1,103	1,176	1,107
Guardianship	178	189	200	170	170
Criminal	6,597	6,699	7,904	8,619	8,850
Total	31,705	33,634	36,348	37,107	34,428

There is NO EVIDENCE in the report that increased misdemeanor ordinance violations are the driver of OPD costs.

Criminal Justice costs have risen all throughout the State. Local property tax payers are keenly aware of the increased costs of law enforcement, jails, courts, prosecutors, mental health, chemical dependency, and abuse and neglect cases funded by local government. A legislative attempt to reduce local government revenues and divert them to the State Public Defender System is unacceptable.

MACo President Jim Hart states, "Local governments in Montana are forced to make difficult funding decisions each day. With our limited resources, we need to hold our departments accountable to stay within appropriation limits and manage the public's resources effectively and efficiently. We think the Legislature should do the same and focus on living within their means instead of relying on local property tax payers to pay for State services. We urge you to contact your legislators and let them know that this cost shift from the state to the local taxpayers is unacceptable."

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