

## 2022 RESOLUTION NO. JPS - 01

**TITLE: Funding for Murder Cases**

**SPONSOR: Fremont County Clerk Abbie Mace**

**STATUTES AFFECTED: ???**

**COUNTY OFFICES or DEPARTMENTS AFFECTED (*Must Affect at least 2*): Courts, Prosecutor, Defense Costs (varies by county), Sheriff, Coroner**

**COUNTIES AFFECTED (*Must Affect at least 2*): All counties (example Fremont and Madison)**

**ISSUE/PROBLEM:** Funding the cost of murder trials with or without public defenders. Cases where there may or may not be death penalty involved. These costs can have a huge impact on counties of any size. Especially smaller counties.

**BACKGROUND & DATA:** The Prosecuting Attorney should be able to issue charges based on the merits of the crime. They should not have to take into consideration the costs of the trial and appeals. I am putting together some costs we are anticipating. There are not a lot of funding sources available. Especially if there is not a public defender involved.

**PROPOSED POLICY:** We would like to see funding from the State for these cases available to counties for both prosecution and defense. We would like to see this fund not be based on an annual appropriation, but be able to grow to an amount to be determined. It could be set up similar to the CAT Fund. There would be an application. It would be applied for by the county only not by attorneys involved.

**ARGUMENTS & ENTITIES IN SUPPORT:** The counties would be in support of this because it gives them funding sources that they don't have to take from their departments. The courts are a function of the State and should be funded by the state not by property taxes. This could be administered like the CAT Fund.

**ARGUMENTS & ENTITIES AGAINST:** The State may have concerns with the costs. Would have concerns with evaluating what reasonable costs would be.

**FEASIBILITY:** With the large State Surplus of over \$900M now would be a perfect time to the state to take on these responsibilities.

**OTHER STAKEHOLDERS AFFECTED & NATURE OF IMPACT:**

**FISCAL IMPACT:** In the event the proposed policy becomes law, address 1) whether there will be a fiscal impact on the state or any local governments; 2) if so, the size of the fiscal impact; and 3) whether there will be any cost shifting. 1) There would be a large impact for the State and a reduced impact to the counties. 2) Not sure 3) There would be a shift from being funded by the counties property taxes to the state.