

CAPITAL DEFENDER OFFICE

MISSION

The Capital Defender Office, which has been in operation since September 1, 1995, is authorized to defend any indigent person charged with a capital crime. With the restoration of the death penalty, persons convicted of first-degree murder may be sentenced to death by lethal injection, life imprisonment without parole, or 20 to 25 years in prison. To be sentenced to death, a person must be found guilty of first-degree murder which includes the killing of a police officer, killing for hire, and certain other heinous murders.

ORGANIZATION AND STAFFING

A three-member board oversees the work of the Capital Defender Office. The Board members are appointed, one each by the Temporary President of the Senate, the Speaker of the Assembly and the Chief Judge of the Court of Appeals. The Office has a staff of 71 located in a central office in New York City and regional offices in Albany and Rochester.

FISCAL BACKGROUND AND BUDGET HIGHLIGHTS

A total of \$14.7 million in State tax dollars is recommended to fund death penalty defense costs in 2001-02. This will support the agency's staff attorneys, investigators and experts as well as legal aid societies and private attorneys appointed to represent indigent defendants in capital cases.

PROGRAM HIGHLIGHTS

The purpose of the Capital Defender Office is to ensure that offenders who face the death penalty receive the full legal protection to which they are entitled under law. The Capital Defender Office is required to provide legal, investigative and expert services to indigent defendants charged with crimes eligible for the death penalty. Since not all defendants in capital cases will be represented by the Office, the law also requires the agency to set minimum standards for lawyers appointed to defend such cases, provide training and assistance to these attorneys and provide judges with lists of qualified lawyers.

ALL FUNDS APPROPRIATIONS (dollars)				
<u>Category</u>	<u>Available 2000-01</u>	<u>Appropriations Recommended 2001-02</u>	<u>Change</u>	<u>Reappropriations Recommended 2001-02</u>
State Operations	15,546,500	14,706,000	(840,500)	0
Aid To Localities	0	0	0	0
Capital Projects	0	0	0	0
Total	<u>15,546,500</u>	<u>14,706,000</u>	<u>(840,500)</u>	<u>0</u>

CAPITAL DEFENDER

ALL FUND TYPES PROJECTED LEVELS OF EMPLOYMENT BY PROGRAM FILLED ANNUAL SALARIED POSITIONS

Full-Time Equivalent Positions (FTE)			
<u>Program</u>	<u>2000-01 Estimated FTEs 03/31/01</u>	<u>2001-02 Estimated FTEs 03/31/02</u>	<u>FTE Change</u>
Capital Defense			
General Fund	75	71	(4)
Total	<u>75</u>	<u>71</u>	<u>(4)</u>

STATE OPERATIONS ALL FUNDS FINANCIAL REQUIREMENTS BY FUND TYPE APPROPRIATIONS (dollars)

<u>Fund Type</u>	<u>Available 2000-01</u>	<u>Recommended 2001-02</u>	<u>Change</u>
General Fund	15,546,500	14,706,000	(840,500)
Total	<u>15,546,500</u>	<u>14,706,000</u>	<u>(840,500)</u>
Adjustments:			
Transfer(s) From			
Special Pay Bill			
General Fund	(349,000)		
Appropriated 2000-01	<u>15,197,500</u>		

STATE OPERATIONS ALL FUNDS FINANCIAL REQUIREMENTS BY PROGRAM APPROPRIATIONS (dollars)

<u>Program</u>	<u>Available 2000-01</u>	<u>Recommended 2001-02</u>	<u>Change</u>
Capital Defense			
General Fund	15,546,500	14,706,000	(840,500)
Total	<u>15,546,500</u>	<u>14,706,000</u>	<u>(840,500)</u>

STATE OPERATIONS - GENERAL FUND SUMMARY OF PERSONAL SERVICE APPROPRIATIONS AND CHANGES 2001-02 RECOMMENDED (dollars)

<u>Program</u>	<u>Total Personal Service</u>		<u>Personal Service Regular (Annual Salaried)</u>	
	<u>Amount</u>	<u>Change</u>	<u>Amount</u>	<u>Change</u>
Capital Defense	4,980,000	(53,700)	4,891,000	(53,700)
Total	<u>4,980,000</u>	<u>(53,700)</u>	<u>4,891,000</u>	<u>(53,700)</u>
<u>Program</u>	<u>Temporary Service (Nonannual Salaried)</u>			
	<u>Amount</u>	<u>Change</u>		
Capital Defense	89,000	0		
Total	<u>89,000</u>	<u>0</u>		

**STATE OPERATIONS - GENERAL FUND
SUMMARY OF NONPERSONAL SERVICE AND MAINTENANCE UNDISTRIBUTED
APPROPRIATIONS AND CHANGES
2001-02 RECOMMENDED
(dollars)**

Program	Total Nonpersonal Service		Supplies and Materials	
	Amount	Change	Amount	Change
Capital Defense	9,726,000	(786,800)	176,000	(4,400)
Total	9,726,000	(786,800)	176,000	(4,400)

Program	Travel		Contractual Services	
	Amount	Change	Amount	Change
Capital Defense	296,000	(8,200)	2,094,000	76,300
Total	296,000	(8,200)	2,094,000	76,300

Program	Equipment		Maintenance Undistributed	
	Amount	Change	Amount	Change
Capital Defense	150,000	(4,700)	7,010,000	(845,800)
Total	150,000	(4,700)	7,010,000	(845,800)