

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 65 located in a central office in New York City and regional offices in Albany and Rochester.

FISCAL BACKGROUND AND BUDGET HIGHLIGHTS

A total of \$14.8 million in State tax dollars is recommended to fund death penalty defense costs in 1999-2000. 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				
<u>Category</u>	<u>Available 1998-99</u>	<u>Appropriations Recommended 1999-00</u>	<u>Change</u>	<u>Reappropriations Recommended 1999-00</u>
State Operations	\$13,582,600	\$14,756,500	+ \$1,173,900	. . . .
Aid To Localities . . . . .	. . . .	. . . .	. . . .	. . . .
Capital Projects . . . . .	. . . .	. . . .	. . . .	. . . .
Total	<u>\$13,582,600</u>	<u>\$14,756,500</u>	<u>+ \$1,173,900</u>	<u>. . . .</u>

CAPITAL DEFENDER

ALL FUND TYPES LEVELS OF EMPLOYMENT BY PROGRAM ANNUAL SALARIED POSITIONS

Program	1999-00 Recommended Average Fill Level				Change
	Available 1998-99	Personal Service (Regular)	Maintenance Undistributed	Total Recommended 1999-00	
Capital Defense General Fund	65	65	....	65	....
Total	65	65	....	65	....

STATE OPERATIONS ALL FUNDS FINANCIAL REQUIREMENTS BY FUND TYPE APPROPRIATIONS

Fund Type	Available 1998-99	Recommended 1999-00	Change
General Fund	\$13,582,600	\$14,756,500	+ \$1,173,900
Total	\$13,582,600	\$14,756,500	+ \$1,173,900

STATE OPERATIONS ALL FUNDS FINANCIAL REQUIREMENTS BY PROGRAM APPROPRIATIONS

Program	Available 1998-99	Recommended 1999-00	Change
Capital Defense General Fund	\$13,582,600	\$14,756,500	+ \$1,173,900
Total	\$13,582,600	\$14,756,500	+ \$1,173,900

STATE OPERATIONS — GENERAL FUND SUMMARY OF PERSONAL SERVICE APPROPRIATIONS AND CHANGES 1999-00 RECOMMENDED

Program	Total Personal Service		Personal Service Regular (Annual Salaried)	
	Amount	Change	Amount	Change
Capital Defense	\$4,000,700	+ \$155,700	\$4,000,700	+ \$155,700
Total	\$4,000,700	+ \$155,700	\$4,000,700	+ \$155,700

**STATE OPERATIONS — GENERAL FUND
SUMMARY OF NONPERSONAL SERVICE AND MAINTENANCE UNDISTRIBUTED
APPROPRIATIONS AND CHANGES
1999-00 RECOMMENDED**

<u>Program</u>	<u>Amount</u>	<u>Total</u>		<u>Supplies and Materials</u>	
		<u>Amount</u>	<u>Change</u>	<u>Amount</u>	<u>Change</u>
Capital Defense	\$10,755,800	+ \$1,018,200		\$175,000	. . . .
Total	<u>\$10,755,800</u>	<u>+ \$1,018,200</u>		<u>\$175,000</u>	<u>. . . .</u>

<u>Program</u>	<u>Amount</u>	<u>Travel</u>		<u>Contractual Services</u>	
		<u>Amount</u>	<u>Change</u>	<u>Amount</u>	<u>Change</u>
Capital Defense	\$295,000	. . . .		\$1,528,000	-\$334,600
Total	<u>\$295,000</u>	<u>. . . .</u>		<u>\$1,528,000</u>	<u>-\$334,600</u>

<u>Program</u>	<u>Amount</u>	<u>Equipment</u>		<u>Maintenance Undistributed</u>	
		<u>Amount</u>	<u>Change</u>	<u>Amount</u>	<u>Change</u>
Capital Defense	\$150,000	. . . .		\$8,607,800	+ \$1,352,800
Total	<u>\$150,000</u>	<u>. . . .</u>		<u>\$8,607,800</u>	<u>+ \$1,352,800</u>