

H.560 An Act Relating to Traffic Safety
The Office of the Defender General
February 11, 2016

Which Vermonters qualify for a Public Defender?

Title 13 : Crimes And Criminal Procedure, Chapter 163 : Public Defenders

§ 5201. Definitions (3) “**Needy person**” means a person who at the time his or her need is determined is financially unable, without undue hardship, to provide for the full payment of an attorney and all other necessary expenses of representation or who is otherwise unable to employ an attorney”

§ 5231. Right to representation, services and facilities

(a) A **needy person** who is being detained by a law enforcement officer without charge or judicial process, or who is charged with having committed or is being detained under a conviction of a serious crime, is entitled:

(1) To be represented by an attorney to the same extent as a person having his or her own counsel;
and

(2) To be provided with the necessary services and facilities of representation.

You are not entitled to representation for “fine only” cases, which can be established by the State’s Attorney at arraignment. Thus, many DUI 1 defendants are not eligible for a public defender.

§ 5236. Determination of financial need

(a) The determination whether a person covered by sections 5231-5234 of this title is a **needy person** shall be deferred until his or her first appearance in court or in a suit for payment or reimbursement under section 5255 of this title, whichever occurs earlier. Thereafter, the court shall determine, with respect to each proceeding, whether the person is a needy person.

(e)(1) ... the applicant and the applicant's spouse as it relates to the federal poverty income guidelines in effect as of December 31 of the year for which the tax information is requested. Such report shall only identify whether the income of the applicant (or the applicant and the applicant's spouse in the case of a joint return) is at or below the federal poverty income guidelines applicable to family size or is within the following percentages of those guidelines: 101-124%, 125-150%, 151-175%, 176-200%, or over 200%

So how little does a “needy person” make in dollars for 2015 and 2014?

See Federal Poverty Levels Chart, 2015 and 2014.

(from <http://www.leg.state.vt.us/jfo/healthcare/2015%20Federal%20Poverty%20Levels.pdf>)

Out of all criminal defendants in Vermont, how many would qualify for a public defender?

About 95 % of all people represented by counsel in criminal court are represented by a public defender.

85 % of all criminal defendants in court end up represented by a public defender.

10% are “pro se,” but most are DUI 1 with a “fine only” penalty, so they are not eligible to be appointed a public defender despite the fact that financially, they would.

Only 5 % of all criminal defendants in court hire counsel.

What does a DUI cost ? *(Not including hiring private counsel, for the minority that can afford to.)

Court fees: up to \$800

Fine: Up to \$500

CRASH: \$450

SR-22: \$3,000

Interlock: An interlock is currently \$150 to install and \$100/a month to lease.

Counseling: \$100/session for six sessions.

TOTAL: over \$5,000

2015

2015 Federal Poverty Levels (FPLs)

Monthly

Household Size	100%	133%	138%	150%	200%	225%	250%	275%	300%	400%
1	\$981	\$1,305	\$1,354	\$1,471	\$1,962	\$2,207	\$2,452	\$2,697	\$2,943	\$3,923
2	\$1,328	\$1,766	\$1,832	\$1,991	\$2,655	\$2,987	\$3,319	\$3,651	\$3,983	\$5,310
3	\$1,674	\$2,227	\$2,310	\$2,511	\$3,348	\$3,767	\$4,185	\$4,604	\$5,023	\$6,697
4	\$2,021	\$2,688	\$2,789	\$3,031	\$4,042	\$4,547	\$5,052	\$5,557	\$6,063	\$8,083
5	\$2,368	\$3,149	\$3,267	\$3,551	\$4,735	\$5,327	\$5,919	\$6,511	\$7,103	\$9,470
6	\$2,714	\$3,610	\$3,746	\$4,071	\$5,428	\$6,107	\$6,785	\$7,464	\$8,143	\$10,857
7	\$3,061	\$4,071	\$4,224	\$4,591	\$6,122	\$6,887	\$7,652	\$8,417	\$9,183	\$12,243
8	\$3,408	\$4,532	\$4,702	\$5,111	\$6,815	\$7,667	\$8,519	\$9,371	\$10,223	\$13,630

Annually

Household Size	100%	133%	138%	150%	200%	225%	250%	275%	300%	400%
1	\$11,770	\$15,654	\$16,243	\$17,655	\$23,540	\$26,483	\$29,425	\$32,368	\$35,310	\$47,080
2	\$15,930	\$21,187	\$21,983	\$23,895	\$31,860	\$35,843	\$39,825	\$43,808	\$47,790	\$63,720
3	\$20,090	\$26,720	\$27,724	\$30,135	\$40,180	\$45,203	\$50,225	\$55,248	\$60,270	\$80,360
4	\$24,250	\$32,253	\$33,465	\$36,375	\$48,500	\$54,563	\$60,625	\$66,688	\$72,750	\$97,000
5	\$28,410	\$37,785	\$39,206	\$42,615	\$56,820	\$63,923	\$71,025	\$78,128	\$85,230	\$113,640
6	\$32,570	\$43,318	\$44,947	\$48,855	\$65,140	\$73,283	\$81,425	\$89,568	\$97,710	\$130,280
7	\$36,730	\$48,851	\$50,687	\$55,095	\$73,460	\$82,643	\$91,825	\$101,008	\$110,190	\$146,920
8	\$40,890	\$54,384	\$56,428	\$61,335	\$81,780	\$92,003	\$102,225	\$112,448	\$122,670	\$163,560

* <http://aspe.hhs.gov/poverty/index.cfm>

NOTE: Exchange subsidies eligibility determinations based on FPLs in effect at the onset of open enrollment.

JFO DRAFT

Therefore, current exchange subsidies based on 2014 FPL's

1/23/2015

2014**2014 Federal Poverty Levels (FPLs)****Monthly**

Household Size	100%	133%	138%	150%	200%	225%	250%	275%	300%	400%
1	\$973	\$1,305	\$1,354	\$1,471	\$1,962	\$2,207	\$2,452	\$2,697	\$2,943	\$3,923
2	\$1,311	\$1,766	\$1,832	\$1,991	\$2,655	\$2,987	\$3,319	\$3,651	\$3,983	\$5,310
3	\$1,649	\$2,227	\$2,310	\$2,511	\$3,348	\$3,767	\$4,185	\$4,604	\$5,023	\$6,697
4	\$1,988	\$2,688	\$2,789	\$3,031	\$4,042	\$4,547	\$5,052	\$5,557	\$6,063	\$8,083
5	\$2,326	\$3,149	\$3,267	\$3,551	\$4,735	\$5,327	\$5,919	\$6,511	\$7,103	\$9,470
6	\$2,664	\$3,610	\$3,746	\$4,071	\$5,428	\$6,107	\$6,785	\$7,464	\$8,143	\$10,857
7	\$3,003	\$4,071	\$4,224	\$4,591	\$6,122	\$6,887	\$7,652	\$8,417	\$9,183	\$12,243
8	\$3,341	\$4,532	\$4,702	\$5,111	\$6,815	\$7,667	\$8,519	\$9,371	\$10,223	\$13,630

Annually

Household Size	100%	133%	138%	150%	200%	225%	250%	275%	300%	400%
1	\$11,670	\$15,521	\$16,105	\$17,505	\$23,340	\$26,258	\$29,175	\$32,093	\$35,010	\$46,680
2	\$15,730	\$20,921	\$21,707	\$23,595	\$31,460	\$35,393	\$39,325	\$43,258	\$47,190	\$62,920
3	\$19,790	\$26,321	\$27,310	\$29,685	\$39,580	\$44,528	\$49,475	\$54,423	\$59,370	\$79,160
4	\$23,850	\$31,721	\$32,913	\$35,775	\$47,700	\$53,663	\$59,625	\$65,588	\$71,550	\$95,400
5	\$27,910	\$37,120	\$38,516	\$41,865	\$55,820	\$62,798	\$69,775	\$76,753	\$83,730	\$111,640
6	\$31,970	\$42,520	\$44,119	\$47,955	\$63,940	\$71,933	\$79,925	\$87,918	\$95,910	\$127,880
7	\$36,030	\$47,920	\$49,721	\$54,045	\$72,060	\$81,068	\$90,075	\$99,083	\$108,090	\$144,120
8	\$40,090	\$53,320	\$55,324	\$60,135	\$80,180	\$90,203	\$100,225	\$110,248	\$120,270	\$160,360

* <http://aspe.hhs.gov/poverty/index.cfm>