

SESSION OF 2007

SUPPLEMENTAL NOTE ON SENATE BILL NO. 75

As Amended by House Committee on
Judiciary

Brief*

SB 75 would allow a chief judge of any judicial district to negotiate a rate of compensation less than the statutorily mandated \$80 per hour for attorneys who voluntarily accept appointments to represent indigent criminal defendants.

The bill also would explicitly provide that contract counsel would be compensated according to the terms agreed upon in the contract between the Board of Indigents' Defense Services (BIDS) and the counsel.

Background

2006 HB 2129 was passed last session to raise the rate of hourly compensation to \$80 per hour, from the then-current rate of \$50 per hour, for assigned counsel of the BIDS. Assigned counsel is an attorney, other than a public defender or assistant public defender or contract counsel, representing indigent criminal defendants on behalf of the State. It was the first increase for assigned counsel in 18 years.

The proponent of the bill was Pat Scalia, Executive Director of BIDS. She testified that she conducted public hearings and found that a number of judicial districts preferred to retain the assigned counsel system currently existing in their judicial districts and offered to accept a lower hourly rate in order to remain cost effective.

*Supplemental notes are prepared by the Legislative Research Department and do not express legislative intent. The supplemental note and fiscal note for this bill may be accessed on the Internet at <http://www.kslegislature.org>

The House Committee also heard from Pat Scalia, Executive Director of BIDS. The House Committee changed the wording of the bill from allowing a judge to “specify” a lower rate of compensation to allow a judge to “negotiate” a lower rate of compensation.

There was no testimony in opposition to the bill.

The fiscal note from the Division of Budget states that BIDS estimates a reduction of expenditures on assigned counsel. The agency already has negotiated lower rates in some of the judicial districts, and the enactment of the bill would ensure these rates are upheld. The agency indicates that based on the lower rates already negotiated and using the same number of assigned counsel hours paid out in these districts as in FY 2006, it expects to save at least \$484,183. The agency also states that the savings could be higher than this if lower rates are negotiated in other judicial districts.