

February 15, 2011

The Honorable Clay Aurand, Chairperson  
House Committee on Education  
Statehouse, Room 174-W  
Topeka, Kansas 66612

Dear Representative Aurand:

SUBJECT: Fiscal Note for HB 2197 by House Committee on Corrections and  
Juvenile Justice

In accordance with KSA 75-3715a, the following fiscal note concerning HB 2197 is respectfully submitted to your committee.

HB 2197 would allow a public defender to withdraw from a court-appointed case when the defender determines a conflict of interest exists or when the defender's current caseload would preclude them from providing adequate representation to new or existing clients. When the decision is made to withdraw from a case or not accept a case, the defender would be required to communicate this decision to the Chief Judge of the District Court. Any public defender, with the approval of the Executive Director of the State Board of Indigents Defense Services (BIDS), would be allowed to accept misdemeanor or juvenile appointments not covered by contract or agreement in the district county of jurisdiction.

The public defender would be required to keep a record of time spent on the case and submit the timesheet to the Executive Director of BIDS and the Clerk of the District Court of the county in which the case was heard. The bill would include BIDS as the payee, the title of the case, the case number, the total amount due, expenses incurred by the public defender's office, and any other information needed by the clerk for processing. The public defender would be allowed to refuse misdemeanor or juvenile appointments at any time and would be prohibited from accepting these cases if the public defender's current caseload would preclude them from providing adequate representation to new or existing clients.

The Board of Indigents Defense Services indicates that HB 2197 would have no fiscal effect on state revenues or expenditures.

Sincerely,



Steven J. Anderson, CPA, MBA  
Director of the Budget

cc: Pat Scalia, BIDS  
Janelle Williams, Judicial Council

Mary Rinehart, Judiciary