

HOUSE BILL No. 2197

By Committee on Corrections and Juvenile Justice

2-8

1 AN ACT concerning crimes, criminal procedure and punishment; relating
2 to public defender caseloads.

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4 *Be it enacted by the Legislature of the State of Kansas:*

5 Section 1. (a) A public defender may withdraw from any court-
6 appointed case when such defender determines that there exists a possible
7 conflict of interest in further representation of the defendant.

8 (b) A public defender shall refuse to accept court-appointed cases
9 when it is determined jointly by the public defender and the director of
10 the state board of indigents' defense services that the current active
11 caseload would preclude such public defender from providing adequate
12 representation to new or existing clients.

13 (c) When a decision is made to withdraw from a case or to not accept
14 cases due to current caseloads, the public defender shall communicate
15 this decision to the chief judge of the district, who shall appoint attorneys
16 from the panel for indigents' defense services for a period established by
17 the director.

18 Sec. 2. (a) Except as provided in subsection (b), any public
19 defender, with the approval of the director of the state board of indigents'
20 defense services, may elect to accept misdemeanor or juvenile
21 appointments not covered by agreement or contract in the district or
22 county of jurisdiction. If the public defender accepts such appointments,
23 such public defender shall make a record of time expended both in court
24 and in preparation of such a case and shall submit this timesheet with a
25 bill for services rendered. The timesheet and bill shall be submitted to the
26 director and the clerk of the district court of the county in which the case
27 was heard. The bill shall designate the state board of indigents' defense
28 services as the payee and shall include the title of the case, case number
29 and any other identifying information needed by the clerk for processing,
30 as well as the total amount due according to the timesheet. Expenses
31 incurred by the public defender's office may also be included in this
32 billing.

33 (b) The public defender may, at any time, refuse to accept
34 misdemeanor or juvenile appointments. No public defender shall accept
35 a misdemeanor or juvenile appointment if such public defender's current
36 active caseload would preclude such public defender from providing

1 adequate representation to new or existing clients.

2 Sec. 3. The provisions of section 1 and 2, and amendments thereto,
3 shall be a part of and supplemental to article 45 of chapter 22 of the
4 Kansas Statutes Annotated, and amendments thereto.

5 Sec. 4. This act shall take effect and be in force from and after its
6 publication in the statute book.

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