

As Amended by House Committee

Session of 2011

HOUSE BILL No. 2197

By Committee on Corrections and Juvenile Justice

2-8

1 AN ACT concerning crimes, criminal procedure and punishment;
2 relating 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
7 possible 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
14 accept cases due to current caseloads, the public defender shall
15 communicate this decision to the chief judge of the district, who shall
16 appoint attorneys from the panel for indigents' defense services for a
17 period established by 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
20 indigents' defense services, may elect to accept misdemeanor or
21 juvenile appointments not covered by agreement or contract in the
22 district or county of jurisdiction. If the public defender accepts such
23 appointments, such public defender shall make a record of time
24 expended both in court and in preparation of such a case and shall
25 submit this timesheet with a bill for services rendered. The timesheet
26 and bill shall be submitted to the director and the clerk of the district
27 court of the county in which the case was heard. The bill shall
28 designate the state board of indigents' defense services as the payee and
29 shall include the title of the case, case number and any other identifying
30 information needed by the clerk for processing, as well as the total
31 amount due according to the timesheet. Expenses incurred by the public
32 defender's office may also be included in this billing.

33 (b) The public defender may, at any time, refuse to accept

1 misdemeanor or juvenile appointments. No public defender shall
2 accept a misdemeanor or juvenile appointment if such public defender's
3 current active caseload would preclude such public defender from
4 providing adequate representation to new or existing clients.

5 **Sec. 3. Nothing in this act shall be construed as creating a**
6 **cause of action on behalf of any person against the state, a county, a**
7 **municipality or any of their agencies, instrumentalities or**
8 **employees.**

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

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

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