

SESSION OF 2011

**SUPPLEMENTAL NOTE ON HOUSE BILL NO. 2197**

As Amended by House Committee on  
Corrections and Juvenile Justice

**Brief\***

HB 2197 would add a new section to the Indigent Defense Services Act allowing a public defender to withdraw from a court-appointed case when there is a possible conflict of interest and requiring withdrawal when the defender and director of the Board of Indigents' Defense Services (BIDS) determine that the defender's current caseload would preclude adequate representation to new or existing clients. The public defender would be required to report the decision to withdraw or not accept new cases to the chief judge of the district.

The bill also would allow a public defender, with the approval of the BIDS director, to accept misdemeanor or juvenile appointments not covered by agreement or contract in the district or county of jurisdiction. Upon accepting such a case, the defender would be required to keep a record of time spent on the case to submit to the BIDS director and district court clerk, along with a bill for services rendered that designates BIDS as the payee. Public defenders also would be allowed to refuse to accept such appointments when the defender's current caseload would preclude adequate representation to new or existing clients.

The bill would provide that it cannot be construed to create a cause of action against the state.

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\*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>

## **Background**

In the House Committee on Corrections and Juvenile Justice, Representative Melody McCray-Miller and Pat Scalia, Executive Director of the Board of Indigents' Defense Services (BIDS) appeared in support of HB 2197. The Committee also received written testimony in support of the bill from the Wichita Branch of the NAACP. No opponents presented testimony. The Committee amended the bill to provide that it could not be construed to create a cause of action against the state.

BIDS indicates that HB 2197 as introduced would have no fiscal effect on the budget.