

As Amended by House Committee

Session of 2021

HOUSE BILL No. 2363

By Committee on Judiciary

2-11

Technical Amendment to HB 2363
For Senate Committee on Ways and Means
April 7, 2021
Prepared by: Office of Revisor of Statutes

1 AN ACT concerning the board of indigents' defense services; relating to
2 appointed counsel; ~~authorizing the rate paid to appointed counsel to be~~
3 ~~higher than \$80 per hour~~ **increasing the maximum rate paid to**
4 **appointed counsel**; amending K.S.A. 22-4507 and repealing the
5 existing section.
6

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

8 Section 1. K.S.A. 22-4507 is hereby amended to read as follows: 22-
9 4507. (a) An attorney, other than a public defender or assistant public
10 defender or contract counsel, who is appointed by the court to perform
11 services for an indigent person, as provided by article 45 of chapter 22 of
12 the Kansas Statutes Annotated, and amendments thereto, shall at the
13 conclusion of such service or any part thereof be entitled to compensation
14 for such services and to be reimbursed for expenses reasonably incurred by
15 such person in performing such services. Compensation for services shall
16 be paid in accordance with standards and guidelines contained in rules and
17 regulations adopted by the state board of indigents' defense services under
18 this section.

19 (b) Claims for compensation and reimbursement shall be certified by
20 the claimant and shall be presented to the court at sentencing. A
21 supplemental claim may be filed at such later time as the court may in the
22 interest of justice determine if good cause is shown why the claim was not
23 presented at sentencing. In accordance with standards and guidelines
24 adopted by the state board of indigents' defense services under this section,
25 all such claims shall be reviewed and approved by one or more judges of
26 the district court before whom the service was performed, or, in the case of
27 proceedings in the court of appeals, by the chief judge of the court of
28 appeals and in the case of proceedings in the supreme court, by the
29 departmental justice for the department in which the appeal originated.
30 Each claim shall be supported by a written statement, specifying in detail
31 the time expended, the services rendered, the expenses incurred in
32 connection with the case and any other compensation or reimbursement
33 received. When properly certified and reviewed and approved, each claim
34 for compensation and reimbursement shall be filed in the office of the state
35 board of indigents' defense services. If the claims meet the standards
36 established by the board, the board shall authorize payment of the claim.

1 (c) (1) Such attorney shall be compensated at ~~the a rate of not less~~
2 ~~than \$80~~ **not to exceed \$100** per hour **through June 30, 2023, and at a**
3 **rate not to exceed \$120 per hour on and after July 1, 2023**, except that:

4 ~~(A)~~ (A) The chief judge of any judicial district may negotiate an hourly
5 rate less than ~~\$80 per hour~~ for attorneys who voluntarily accept
6 appointments in that district; or

the maximum rate

7 ~~(B)~~ (B) contract counsel shall be compensated at the rate or rates
8 specified in the contract between the board and the assigned counsel.

9 (2) If the state board of indigents' defense services determines that the
10 appropriations for indigents' defense services or the moneys allocated by
11 the board for a county or judicial district will be insufficient in any fiscal
12 year to pay in full claims filed and reasonably anticipated to be filed in
13 such year under this section, the board may adopt a formula for prorating
14 the payment of pending and anticipated claims under this section.

15 (d) The state board of indigents' defense services may make
16 expenditures for payment of claims filed under this section from
17 appropriations for the current fiscal year regardless of when the services
18 were rendered.

19 (e) The state board of indigents' defense services shall adopt rules and
20 regulations prescribing standards and guidelines governing the filing,
21 processing and payment of claims under this section.

22 (f) An attorney, other than a public defender, assistant public defender
23 or contract counsel, who is appointed by the court to perform services for
24 an indigent person and who accesses electronic court records for an
25 indigent person, as provided by this act, shall be exempt from paying fees
26 to access electronic court records.

27 Sec. 2. K.S.A. 22-4507 is hereby repealed.

28 Sec. 3. This act shall take effect and be in force from and after its
29 publication in the statute book.