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300 SW TENTH AVENUE ■ SUITE 24-E ■ TOPEKA, KS 66612 ■ (785) 296-2321

MEMORANDUM

To: House Committee on Judiciary

From: Office of Revisor of Statutes

Date: February 11, 2023

Subject: Bill Brief on HB 2351

HB 2351 increases the maximum rate paid to appointed counsel for an indigent person.

The bill amends K.S.A. 22-4507, the statute that provides compensation for appointed counsel by the board of indigents' defense services. Current law provides that such attorneys shall be compensated at the rate of \$80 per hour except that the chief judge in a judicial district may negotiate an hourly rate less than \$80 per hour for attorneys who voluntarily accept appointments or contract counsel shall be compensated at the rate specified in the contract between the board and assigned counsel. If the board determines that the appropriations for indigents' defense services will be insufficient in any fiscal year to pay claims reasonably anticipated to be filed, the board may adopt a formula for prorating the payment of pending and anticipated claims.

This bill increases the rate from \$80 to an amount not to exceed \$100 on or before June 30, 2024, and at a rate not to exceed \$120 per hour on and after July 1, 2024. The current exceptions to that rate would remain in effect.