

HOUSE BILL No. 2351

By Committee on Judiciary

2-8

Proposed Amendments to HB 2351 - minimum and maximum
House Judiciary Committee
Prepared by the Office of Revisor of Statutes
February 15, 2023

1 AN ACT concerning the board of indigents' defense services; relating to
2 appointed counsel; increasing the maximum rate paid to appointed
3 counsel; amending K.S.A. 22-4507 and repealing the existing section.
4

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

6 Section 1. K.S.A. 22-4507 is hereby amended to read as follows: 22-
7 4507. (a) An attorney, other than a public defender or assistant public
8 defender or contract counsel, who is appointed by the court to perform
9 services for an indigent person, as provided by article 45 of chapter 22 of
10 the Kansas Statutes Annotated, and amendments thereto, shall at the
11 conclusion of such service or any part thereof be entitled to compensation
12 for such services and to be reimbursed for expenses reasonably incurred by
13 such person in performing such services. Compensation for services shall
14 be paid in accordance with standards and guidelines contained in rules and
15 regulations adopted by the state board of indigents' defense services under
16 this section.

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

35 (c) (1) Such attorney shall be compensated at ~~the a rate of \$80 not to~~
36 ~~exceed \$100 per hour on or before June 30, 2024, and at a rate not to~~

less than

and not more than
\$140 per hour

1 ~~exceed \$120 per hour on and after July 1, 2024~~, except that:

2 (A) The chief judge of any judicial district may negotiate an hourly

3 rate less than ~~\$80 per hour~~ *the maximum rate* for attorneys who voluntarily

4 accept appointments in that district; or

5 (B) contract counsel shall be compensated at the rate or rates

6 specified in the contract between the board and the assigned counsel.

7 (2) If the state board of indigents' defense services determines that the

8 appropriations for indigents' defense services or the moneys allocated by

9 the board for a county or judicial district will be insufficient in any fiscal

10 year to pay in full claims filed and reasonably anticipated to be filed in

11 such year under this section, the board may adopt a formula for prorating

12 the payment of pending and anticipated claims under this section.

13 (d) The state board of indigents' defense services may make

14 expenditures for payment of claims filed under this section from

15 appropriations for the current fiscal year regardless of when the services

16 were rendered.

17 (e) The state board of indigents' defense services shall adopt rules and

18 regulations prescribing standards and guidelines governing the filing,

19 processing and payment of claims under this section.

20 (f) An attorney, other than a public defender, assistant public defender

21 or contract counsel, who is appointed by the court to perform services for

22 an indigent person and who accesses electronic court records for an

23 indigent person, as provided by this act, shall be exempt from paying fees

24 to access electronic court records.

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

26 Sec. 3. This act shall take effect and be in force from and after its

27 publication in the statute book.