

SESSION OF 2024

SUPPLEMENTAL NOTE ON HOUSE BILL NO. 2605

As Recommended by House Committee on
Judiciary

Brief*

HB 2605 would increase the maximum hourly rate of compensation for attorneys appointed to represent indigent defendants in felony criminal cases from \$80 per hour to a minimum of \$120 per hour, with a maximum rate of \$140 per hour.

[*Note:* Under continuing law, the specified hourly rate only applies to private attorneys appointed by a court to perform services for an indigent person and does not include public defenders, assistant public defenders, or contract counsel. The Board of Indigents' Defense Services (BIDS) has operated under appropriations proviso language providing authority and funds to pay an hourly rate of \$100 per hour in FY 2022 and \$120 per hour in FY 2023, FY 2024, and FY 2025.]

The bill would also replace a reference to the \$80 per hour rate in law that allows the chief judge of any judicial district to negotiate an hourly rate less than the maximum rate for attorneys who voluntarily accept appointments in that district with a reference to the "maximum rate".

The bill also makes technical changes to ensure consistency in statutory phrasing.

*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

The bill was introduced by Representative Maughan at the request of BIDS.

House Committee on Judiciary

In the House Committee hearing, **proponent** testimony was provided by representatives of BIDS and the Kansas Bar Association. The proponents generally stated the bill would help alleviate the shortage of appointed private counsel. The proponents also noted the hourly rate compensates the appointed attorneys for their expenses and time, and the current statutory rate would likely not cover the expenses of the appointed attorney.

No other testimony was provided.

Fiscal Information

According to the fiscal note prepared by the Division of Budget on the bill, BIDS indicates enactment of the bill would require an additional \$3.8 million from the State General Fund in FY 2025, based on a projection of an additional 189,668 assigned counsel hours. Any fiscal effect with the bill is not reflected in *The FY 2025 Governor's Budget Report*.

Judiciary; Board of Indigents' Defense Services; compensation; appointed counsel