

HOUSE BILL No. 2363

By Committee on Judiciary

2-11

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; amending K.S.A. 22-4507 and repealing the
4 existing section.
5

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

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

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

36 (c) (1) Such attorney shall be compensated at the rate of *not less than*

1 \$80 per hour, except that:

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

5 ~~(2)~~(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.