

As Amended by House Committee

Session of 2021

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~~ **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) 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

7 (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.