

TESTIMONY

STATE BOARD OF INDIGENTS' DEFENSE SERVICES
ON HOUSE BILL NUMBER 2419
TO COMMITTEE ON CORRECTIONS AND JUVENILE JUSTICE

January 18, 2012

Good afternoon Chairwoman Colloton, Members of the Committee and Staff:

My name is Patricia Scalia and I serve as state director for the Board of Indigents' Defense Services.

The changes to K.S.A. 22-4504 as proposed by this bill would require the court to interrogate under oath each defendant requesting the appointment of counsel regarding the contents of their financial affidavit – a BIDS form which must be completed to receive appointed counsel. The court may conduct such an interrogation in its discretions under current law.

Additionally, the bill would require the court to enter judgment against any convicted defendant for the amount expended by the state in providing counsel and other defense services if the defendant is found to be financially able to pay the amount.

The application for appointed counsel and the Financial Affidavit are usually completed by individuals on the spot in the courtroom during the first appearance without access to their records and the forms are not always complete. Interrogating the applicants would provide more complete information.

However, there is a significant fiscal impact of this bill. In FY 2011, there were 25,602 cases involving indigent individuals. Of those, 14,043 were defended by salaried public defenders and 11,559 were defended by assigned counsel paid by the hour at the rate of \$62 per hour.

The time required for the court to place the applicant under oath and to interrogate him/her regarding the contents of their financial affidavit will require between ten minutes to half an hour. The average amount of time is estimated at 15 minutes. The additional cost per case for assigned counsel would be \$15.50. The added cost for FY 2013 would be \$186,000 and for FY 2014 would be \$201,500 and would increase each year that the number of assigned counsel cases increase.

Any information that an individual could supply to the court through interrogation under oath will be discovered by BIDS through review of tax returns as anticipated in HB 2413. The added time and cost associated with this bill may not be needed.

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