

Approved: June 22, 2012
(Date)

MINUTES OF THE SENATE JUDICIARY COMMITTEE

The Chairman called the meeting to order at 9:35 a.m. on March 1, 2012, in Room 548-S of the Capitol.

All members were present.

Committee staff present:

Jason Thompson, Office of the Revisor of Statutes
Katherine McBride, Office of the Revisor of Statutes
Lauren Douglass, Kansas Legislative Research Department
Bob Allison-Gallimore, Kansas Legislative Research Department
Theresa Kiernan, Committee Assistant

Conferees Appearing before the Committee:

Joe Lawhon, Legislative Post Audit
Representative Virgil Peck, Chairperson of Legislative Post Audit Committee
Patricia Scalia, Executive Director, State Board of Indigents' Defense Services (BIDS)

Others in Attendance:

See Attached List

The Chairman opened the hearings on **HB 2413–Disclosure of tax information for defendants claiming indigence.**

Mr. Thompson reviewed the bill. He stated the bill would require courts, in felony cases with appointed counsel where defendant's social security number (SSI) is accessible in court computer records, to provide information to the Secretary of Revenue for the purpose of determining whether defendant is financially able to employ legal counsel. The bill also would authorize the Secretary to disclose Kansas adjusted gross income, number of exemptions claimed, and relevant tax year of such information to the Board of Indigent Defense Services.

Representative Virgil Peck testified in support of **HB 2413**. He stated the bill was introduced based on the recommendations of a legislative post audit study. The bill would allow BIDS to obtain tax information in order to help in the determination of whether a defendant is indigent. (Attachment 1).

Patricia Scalia testified in support of **HB 2413**. She stated the bill would provide an additional tool for the court and BIDS to use in the review of the financial status of an individual. The information would be in addition to the information obtained from the individual's responses on the BIDS Financial Affidavit. (Attachment 2)

Senator Vratil expressed concern that the language on page 5, line 9, relating to the obtaining of the SSI from

CONTINUATION SHEET

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computer records was an unnecessary limitation. He suggested deleting the word “computer” in order to use other sources.

Joe Lawhon submitted written neutral information concerning **HB 2413**. (Attachment 3).

The Chairman closed the hearings on **HB 2413**.

The Chairman opened the hearings on **HB 2469–Requiring payment of BIDS fees for parole revocation proceedings**.

Mr. Thompson reviewed the bill. He stated the bill would require a defendant to pay a \$100 application fee to request indigent defense services for representation for a violation of a condition of release.

Patricia Scalia testified in support of **HB 2469**. She stated the bill was introduced in response to an opinion issued by the Kansas Court of Appeals. (Attachment 4).

The Chairman closed the hearings on **HB 2469**.

The next meeting is scheduled for March 2, 2012.

The meeting was adjourned at 10:30 a.m.