

SESSION OF 2012

**SUPPLEMENTAL NOTE ON HOUSE BILL NO. 2413**

As Amended by House Committee of the Whole

**Brief\***

HB 2413 would allow courts, in a felony case with appointed counsel, to provide electronically to the Secretary of Revenue a defendant's name; social security number, when accessible from the district court's computer records; district court case number; and county for the purposes of determining whether the defendant is financially able to employ legal counsel. Further, upon receiving such information from the court, it would allow the Secretary of the Kansas Department of Revenue to forward and provide electronically to the Board of Indigents' Defense Services (BIDS), a defendant's name, social security number, Kansas adjusted gross income, number of exemptions claimed, and the relevant tax year of such records. The bill would provide that the social security number would remain confidential.

The italicized text in subsection 14 was enacted by the passage of 2011 SB 91 and does not amend current law.

**Background**

HB 2413 was introduced by the Legislative Post Audit Committee. In the House Committee on Corrections and Juvenile Justice, Representative Virgil Peck; Patricia Scalia, Executive Director of the Board of Indigents' Defense Services (BIDS); and representatives of the Department of Revenue and the Office of Judicial Administration appeared in support of the bill. No opponents appeared at the Committee hearing. The Committee amended the bill to include

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\*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>

provisions concerning the electronic sharing of information between BIDS and the Department of Revenue.

The House Committee of the Whole amended the bill to provide additional direction on the sharing of electronic records.

The fiscal note for HB 2413, as introduced, indicates that passage of the bill would require \$178,000 in FY 2013 to cover the cost of searching and copying each tax return, \$130,000 for an estimated 26,000 cases at \$5 each, and \$48,000 to employ a full-time auditor. The fiscal note states, however, that this cost may be offset by savings resulting from some defendants being found not to qualify as indigent. Additionally, the Committee's amendment allowing the electronic sharing of information was thought to reduce the overall expense.