

February 28, 2014

The Honorable Jeff King, Chairperson
Senate Committee on Judiciary
Statehouse, Room 341-E
Topeka, Kansas 66612

Dear Senator King:

SUBJECT: Fiscal Note for SB 416 by Senate Committee on Ways and Means

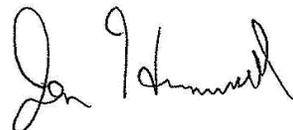
In accordance with KSA 75-3715a, the following fiscal note concerning SB 416 is respectfully submitted to your committee.

SB 416 clarifies that a defendant is entitled to have the assistance of counsel at every hearing before a judge of the district court in the event of a felony charge. Under current law, the assistance of counsel is required at every stage of the proceedings.

The Board of Indigents Defense states that SB 416 would have a neutral fiscal effect on agency operations. The bill would take away the right to counsel for proceedings at interrogations and appearances before a magistrate. While this would reduce the Board's work in felony cases, it would be offset by additional workload related to constitutional challenges. The Board states the bill would cause constitutional challenges that would have to be decided by the Kansas Supreme Court.

The Office of Judicial Administration states that SB 416 would have no fiscal effect on court costs. While the bill could result in a defendant not being represented by counsel at some stages of the proceedings, assistance of counsel would still be provided at every hearing before a judge of the district court. Failure to provide counsel at some stages of the proceedings that do not occur before a judge of the district court would result in additional issues to be decided by the district or appellate courts, but whether and to what extent this might occur cannot be predicted.

Sincerely,



Jon Hummell,
Interim Director of the Budget

cc: Mary Rinehart, Judiciary