

SESSION OF 2021

**SUPPLEMENTAL NOTE ON HOUSE BILL NO. 2363**

As Recommended by House Committee on  
Judiciary

**Brief\***

HB 2363 would amend law governing compensation for services provided to indigents to require appointed counsel be paid at a rate of not less than \$80 per hour. [Note: Under current law, \$80 per hour is the maximum rate of pay. Under continuing law, the rate of pay provision does not apply to a public defender, assistant public defender, or contract counsel, and compensation for appointed counsel may be negotiated or contracted for at a lower rate if certain exceptions exist.]

**Background**

The bill was introduced by the House Committee on Judiciary at the request of Representative Patton on behalf of the Board of Indigents' Defense Services (BIDS).

***House Committee on Judiciary***

In the House Committee hearing on February 15, 2021, the Executive Director of BIDS testified as a **proponent** on the bill, stating the intention of the bill is to allow BIDS to pay appointed counsel at a rate higher than what the statute currently allows in order to keep up with the market rate for legal services and respond to growing pressures on assigned counsel in the state. Written-only **proponent** testimony was provided by representatives of the Kansas Bar Association

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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>

and the Kansas Association of Criminal Defense Lawyers. No other testimony was provided.

### **Fiscal Information**

According to the fiscal note prepared by the Division of the Budget, BIDS states that the assigned counsel rate has already been set for FY 2021 and therefore there would be no additional expenditures. If BIDS were to raise the rate for FY 2022 to \$100 per hour, then the increased expenditures are estimated to be \$3,569,164. The agency notes that the rate amount would increase only if the agency has the additional funding from the State General Fund in FY 2022 to implement the increase and receives approval of the changes to the administrative rules and regulations. Any fiscal effect associated with enactment of the bill is not reflected in *The FY 2022 Governor's Budget Report*.

Board of Indigents' Defense Services; appointed counsel; case rate