

SESSION OF 2023

**SUPPLEMENTAL NOTE ON HOUSE BILL NO. 2351**

As Amended by House Committee on Judiciary

**Brief\***

HB 2351, as amended, would change law governing compensation for legal defense services provided to indigents to require appointed counsel be paid at a rate of not less than \$120 per hour and not to exceed \$140 per hour.

The bill would also make a corresponding amendment to allow the Chief Judge of a judicial district to negotiate an hourly rate less than the maximum rate for attorneys who voluntarily accept appointments in the district by replacing a reference to the current statutory hourly rate.

[*Note:* Under current law, \$80 per hour is the maximum rate of pay. However, the rate-of-pay provision does not apply to a public defender, assistant public defender, or contract counsel. A proviso in Section 40 of 2022 House Sub. for Sub. for SB 267 directed the Board of Indigents' Defense Services (BIDS) to pay a maximum hourly rate of \$120 in FY 2023.]

**Background**

The bill was introduced by the House Committee on Judiciary at the request of Representative Patton on behalf of the BIDS.

---

\*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>

### ***House Committee on Judiciary***

In the House Committee hearing on February 13, 2023, the Executive Director of BIDS and a representative of the Kansas Bar Association testified as **proponents** of 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. The proponents also noted BIDS is currently able to pay an hourly rate of \$120 due to a budget proviso that will expire on July 1, 2023. No other testimony was provided.

The House Committee adopted an amendment to replace language increasing the maximum rate to \$100 through June 30, 2024, and \$120 per hour on and after July 1, 2024, with language setting the rate as described above.

### **Fiscal Information**

According to the fiscal note prepared by the Division of the Budget on the bill, as introduced, BIDS states that the bill would reduce the hourly rate from \$120 [set for FY 2023 in the current appropriations bill proviso] to \$100 for FY 2024. If BIDS would be required to lower the hourly rate for FY 2024 to \$100, then the estimated expenditure decrease is \$1,147,340 from the State General Fund. Any fiscal effect associated with enactment of the bill is not reflected in *The FY 2024 Governor's Budget Report*.

Board of Indigents' Defense Services; pay increase; appointed counsel; attorney; hourly rate