

January 17, 2012

The Honorable Pat Colloton, Chairperson  
House Committee on Corrections and Juvenile Justice  
Statehouse, Room 167-W  
Topeka, Kansas 66612

Dear Representative Colloton:

**SUBJECT:** Fiscal Note for HB 2419 by Legislative Post Audit Committee

In accordance with KSA 75-3715a, the following fiscal note concerning HB 2419 is respectfully submitted to your committee.

Currently, in determining a defendant's indigence for purposes of appointing counsel a judge may interrogate the defendant under oath. The judge may also enter as a judgment against the defendant the amount expended by the state in providing counsel and other defense services. HB 2419 would take away the judge's discretion and require these actions be taken in all cases.

Estimated State Fiscal Effect				
	FY 2012 SGF	FY 2012 All Funds	FY 2013 SGF	FY 2013 All Funds
Revenue	--	--	--	--
Expenditure	--	--	\$229,400	\$229,400
FTE Pos.	--	--	--	1.00

The Board of Indigents Defense states that in FY 2011, there were 25,602 cases involving indigent persons, of which 11,559 were defended by assigned counsel at \$62 per hour. The average amount of additional time estimated is 15 minutes or \$15.50. In FY 2013, an estimated 12,000 cases will be handled by assigned counsel, at a cost of \$186,000.

The Judiciary notes that in some cases, judges are already interrogating defendants who request appointed counsel and in some cases there is little interrogation needed. Overall, it is expected that HB 2419 would increase the amount of time needed by judges to determine a defendant's financial capability. Therefore, a senior judge should relieve the additional time

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needed at an estimated annual cost of \$43,400. Any fiscal effect associated with HB 2419 is not reflected in *The FY 2013 Governor's Budget Report*.

Sincerely,

A handwritten signature in black ink, appearing to read "Steven J. Anderson", with a long horizontal flourish extending to the right.

Steven J. Anderson, CPA, MBA  
Director of the Budget

cc: Pat Scalia, BIDS  
Mary Rinehart, Judiciary