

SESSION OF 2012

SUPPLEMENTAL NOTE ON HOUSE BILL NO. 2413

As Amended by Senate Committee on Judiciary

Brief*

HB 2413, as amended, would require courts, in a felony case with appointed counsel where the defendant's social security number is accessible from the district court's records, to provide electronically to the Secretary of the Department of Revenue the defendant's name, social security number, district court case number, and county for the purpose 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 to forward and provide a defendant's name, social security number, Kansas adjusted gross income, number of exemptions claimed, and the relevant tax year of such records electronically to the Board of Indigents' Defense Services (BIDS). 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, 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

*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>

amended the bill to include 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.

In the Senate Committee on Judiciary, Representative Virgil Peck and Patricia Scalia, Executive Director, BIDS, appeared again in support of the bill. The Committee amended the bill to apply when the defendant's social security number is found in the district court's records, rather than just the court's computer records.

The fiscal note for HB 2413, as introduced, indicated 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 stated, however, this cost may be offset by savings resulting from some defendants being found not to qualify as indigent.

The revised fiscal note for HB 2413, dated January 20, 2012, indicates the Department of Revenue's administrative costs could be avoided if the request is made in an electronic format and the response is provided to BIDS in electronic format as a data stream.