

MINUTES OF THE SENATE COMMITTEE ON JUDICIARY

Held in Room 519 S, at the Statehouse at 10:00 a.m./~~p.m.~~, on March 16, 1979.

All members were present except:

The next meeting of the Committee will be held at 10:00 a.m./~~p.m.~~, on March 19, 1979.

~~These minutes of the meeting held on xxxxxxxxxxxxxxxxxxxxxx19xxx were considered, corrected and approved.~~

*Clarence J. Honey*  
Chairman

The conferees appearing before the Committee were:

- Jack Dalton - Dodge City, Judicial Council Advisory Committee
- Judge J. W. Mahoney - Wyandotte County District Judge
- Representative Ward Ferguson
- Max Moses - Kansas County and District Attorneys Association
- Carl Cornwell - Former Defender for Shawnee County

Staff present:

- Art Griggs - Revisor of Statutes
- Jerry Stephens - Legislative Research Department
- Wayne Morris - Legislative Research Department

House Bill No. 2365 - Public defenders; appointment and term; assistants, budget and expenses. Jack Dalton, of Dodge City, who is chairman of the Judicial Council Advisory Committee on Council For Indigent Persons, testified in support of the bill. Committee discussion with him followed.

District Judge Mahoney, from Kansas City, testified that he would be strongly opposed to having the public defender system in Wyandotte County. He stated their present system is working well, and should not be changed. He stated that in Wyandotte County with their present system, they have reduced their average cost per case. In 1978 they spent \$170,000 on 434 cases, for an average cost per case \$393; that compares to 1975, when they spent \$140,000 on 300 some cases, for an average of \$423 a case. Committee discussion with him followed. Judge Mahoney testified that he is concerned that this bill would be followed next year with a bill mandating the public defender system. He made it clear that he doesn't want any change in Wyandotte County.

Carl Cornwell, who formerly was associated with the Shawnee County Public Defender Office, testified that in his opinion public defenders are overworked, and that the system in Wyandotte County works better than a public defender system would. Committee discussion with him followed.

continued -

Unless specifically noted, the individual remarks recorded herein have not been transcribed verbatim. Individual remarks as reported herein have not been submitted to the individuals appearing before the committee for editing or corrections.

House Bill No. 2131 - Appointment of legal counsel in extradition proceedings. Representative Ferguson, the author of the bill, testified in support of it. During his presentation, he suggested that the committee might want to consider amending House Bill 2132, which he also authored, into this bill. Committee discussion with him followed.

House Bill No. 2366 - Legal counsel for indigent defendants. Jack Dalton testified in support of the bill. He stated that there presently is no standard for the determination of indigency throughout the state, and there is no authorization in our statutes for a determination of partial indigency. He discussed the work of the Judicial Council Advisory Committee in this regard, and explained that the details of the system would be provided by supreme court rule. Committee discussion with him followed.

The meeting adjourned.

These minutes were read and approved by the committee on 4-25-79.

3-16-79

GUESTS

SENATE JUDICIARY COMMITTEE

NAME	ADDRESS	ORGANIZATION
Max Moss	Topeka	KCOA
Jack Dalton	Judge City, Mo.	Judicial Council
Carl Cornell	K. P. K.	
Leo Moroney	KCKS	District Judge, Wyand Co.
J. W. Matlock	KCKS	Dist Judge Wy Co
D. Ferguson	House	House
Martin Hawa	Topeka	Dist. Capital