

SESSION OF 2006

SUPPLEMENTAL NOTE ON SENATE BILL NO. 505

As Amended by House Committee on
Judiciary

Brief*

SB 505 would amend statutes dealing with the defense of indigent persons in criminal proceedings. The bill would provide that whenever it is determined that electronic access to court records is necessary to present a defendant's cause adequately and it is further determined that the defendant is indigent, the court shall order that the records be supplied to the defendant, at no charge, by the electronic access service. The State Board of Indigents' Defense Services shall be exempt from paying user fees to access electronic court records. Further, attorneys, other than a public defender or contract counsel, who access electronic court records for an indigent person shall be exempt from paying fees.

Further, the bill would expand the purpose for which money could be expended from the Judiciary Technology Fund to include the operation and maintenance of a free statewide system of electronic remote access to court records that are otherwise open. The bill would allow a county to charge a reasonable fee for this purpose. Another provision of the bill would prohibit any other entity from charging a fee for providing electronic access.

Background

The bill was supported by the State Board of Indigents' Defense Services.

Provisions in the original bill which would have prohibited INK from entering into any contract which would result in the charging of fees for access to court records were opposed by the Kansas Supreme Court and the Kansas Information Consortium.

*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>

The Senate Committee deleted the INK amendment and made clarifying amendments.

The House Committee amended the bill as follows:

- Insert the provisions regarding the Judiciary Technology Fund and the electronic access to court records. These provisions are from SB 337; and
- Provide for the prohibition against charging a fee by another entity.

The fiscal note on the original bill stated that any financial effect the bill might have by preventing the charging of fees for access to court records is not a part of the Governor's budget recommendations.