

BOARD OF INDIGENTS' DEFENSE SERVICES

FY 2024 – FY 2026 BUDGET SUMMARY

FIG. 1 **BUDGET SUMMARY, FY 2024 – FY 2026**

	Actual FY 2024	Agency FY 2025	Legislative Budget Committee FY 2025	Agency FY 2026	Legislative Budget Committee FY 2026
EXPENDITURES:					
State Operations*	\$ 56,183,500	\$ 69,788,251	\$ 62,792,416	\$ 73,090,988	\$ 62,130,016
Salaries and Wages	21,674,301	28,706,469	21,710,634	39,964,806	29,003,834
Contractual Services	33,541,840	39,864,387	39,864,387	32,823,057	32,823,057
Commodities	134,492	173,395	173,395	137,325	137,325
Capital Outlay	832,867	1,044,000	1,044,000	165,800	165,800
State Aid and Assistance	\$ -	\$ -	\$ -	\$ -	\$ -
Aid to Local Units	-	-	-	-	-
Other Assistance	-	-	-	-	-
Capital Budget and Debt	\$ -	\$ -	\$ -	\$ -	\$ -
Capital Improvements	-	-	-	-	-
Debt Service Principal	-	-	-	-	-
Debt Service Interest	-	-	-	-	-
TOTAL	\$ 56,183,500	\$ 69,788,251	\$ 62,792,416	\$ 73,090,988	\$ 62,130,016
FINANCING:					
State General Fund	\$ 55,191,955	\$ 68,866,782	\$ 61,870,947	\$ 72,284,988	\$ 61,324,016
Indigents' Defense Fund	987,988	904,600	904,600	800,000	800,000
All Other Funds	3,557	16,869	16,869	6,000	6,000
TOTAL	\$ 56,183,500	\$ 69,788,251	\$ 62,792,416	\$ 73,090,988	\$ 62,130,016
PERCENTAGE CHANGE:					
State General Fund	16.2 %	24.8 %	(10.2) %	5.0 %	(15.2) %
All Funds	15.8 %	24.2 %	(10.0) %	4.7 %	(15.0) %
FTE Positions	289.2	289.2	289.2	318.2	289.2

* Note: Expenditures for debt service interest are reflected under "Capital Budget and Debt."

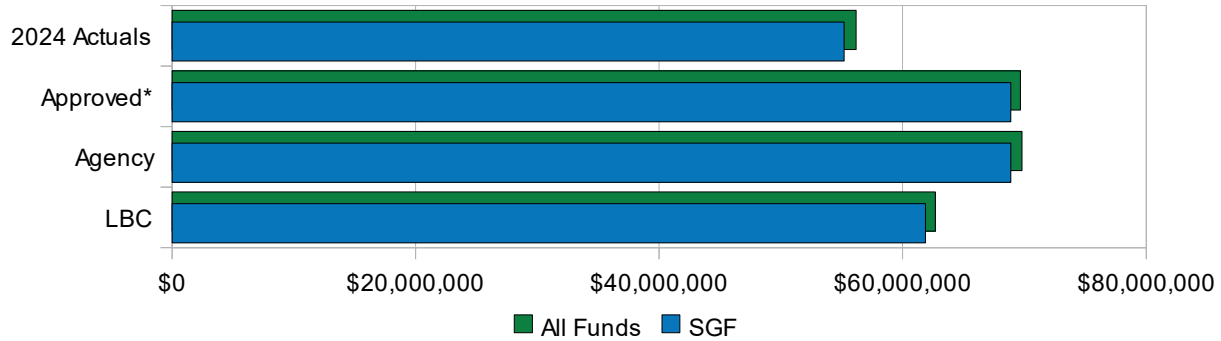
AGENCY OVERVIEW

The Board of Indigents' Defense Services (BIDS) is tasked with providing and supervising constitutionally and statutorily required legal services for indigent defendants accused of felonies. BIDS fulfills this mission by overseeing a statewide system of public defender offices and by compensating assigned counsel when public defenders are unavailable. The agency also serves as the pass-through agency for funding for Legal Services for Prisoners, Inc., a nonprofit corporation providing legal assistance to indigent inmates of Kansas correctional institutions.

The Kansas Public Defense System consists of the regional public defender offices and the Assigned Counsel Program. Attorneys who are classified as public defenders are employees of the State who work at one of the public defender offices located in the state. Attorneys who are classified as assigned counsel are either (a) private attorneys who volunteer to serve on local appointment panels in each judicial district, where they are assigned felony cases in exchange for the current BIDS hourly rate; or (b) private attorneys who have accepted contracts from BIDS to handle felony cases in certain jurisdictions under negotiated terms. In 2024, KSA 22-4507(c) was amended to increase the compensation for assigned counsel from \$80 per hour to a minimum of \$120 per hour, up to \$140 per hour. The BIDS Board ultimately determines the hourly rate and requests funding at that rate for assigned counsel. The BIDS hourly rate is set at \$120 per hour in FY 2025. In December 2024, the BIDS Board voted to increase the hourly rate to \$125 per hour for FY 2026.

FY 2025 ANALYSIS

FIG. 2 BUDGET HIGHLIGHTS, FY 2025



* Note: Includes SGF reappropriations.

FIG. 3 BUDGET COMPARISON, FY 2025

Fund	2024 Actuals	2025 Approved*	2025 Agency	Agency Change from Previous-Year Actuals		Agency Change from Approved*	
SGF	\$ 55,191,955	\$ 68,866,782	\$ 68,866,782	\$ 13,674,827	24.78%	\$ -	0%
All Other Funds	991,545	806,000	921,469	(70,076)	(7.07)	115,469	14.33
TOTAL	\$ 56,183,500	\$ 69,672,782	\$ 69,788,251	\$ 13,604,751	24.21%	\$ 115,469	0.17%

* Note: Includes SGF reappropriations.

BUDGET ANALYSIS

FIG. 4 SUMMARY OF BUDGET REQUEST, FY 2025

	Agency			Legislative Budget Committee		
	SGF	All Funds	FTE	SGF	All Funds	FTE
Approved, FY 2025	\$ 68,866,782	\$ 69,672,782	289.2	\$ 61,870,947	\$ 62,676,947	289.2
2024 SB 28 & HB 2551	61,077,682	61,883,682	289.2	61,077,682	61,883,682	289.2
1. SGF Reappropriation	7,789,100	7,789,100	-	793,265	793,265	-
Supplemental Requests	\$ -	\$ -	-	\$ -	\$ -	-
2. No Supplemental Requests	-	-	-	-	-	-
Other Changes	\$ -	\$ 115,469	-	\$ -	\$ 115,469	-
3. Court Fees and Services	-	104,600	-	-	104,600	-
4. CLE Workshops	-	10,869	-	-	10,869	-
TOTAL	\$ 68,866,782	\$ 69,788,251	289.2	\$ 61,870,947	\$ 62,792,416	289.2

1. SGF REAPPROPRIATION

BIDS carried over \$7.8 million in unspent SGF moneys from FY 2024 into FY 2025. Of this amount, the 2024 Legislature appropriated \$300,732 SGF for capital defense operations, and \$492,533 SGF for assigned counsel vouchers. The remaining \$7.0 million SGF was appropriated for general operating expenditures, such as court-related fees and building space rentals, as well as salaries and wages. *The following information details why the reappropriations occurred and what the agency intends to do with the funds carried over into FY 2025.*

- \$300,732 for **capital defense operations** due to capital hearings that were scheduled to take place in FY 2024 being continued into the current fiscal year. As a result, the funding previously budgeted for capital punishment casework is being carried over to continue work on death penalty cases in FY 2025.
- \$492,533 for **assigned counsel vouchers** due to an overestimate on the part of the agency as to how quickly it could pay outstanding vouchers for assigned counsel.

The agency anticipated it would receive more billing vouchers from assigned counsel in FY 2024 for work completed during FY 2024. However, due to some vouchers for assigned counsel payment being received late in the fiscal year, the agency did not have time to process the voucher payments in FY 2024. The agency will continue to use the funding to pay assigned counsel as attorney vouchers are received in FY 2025.

- \$7.0 million in **general operating expenditures** (e.g., court-related fees, building space rentals, and salaries and wages) due, in part, to a \$3.8 million reappropriation in one-time cost savings from FY 2023 to FY 2024 associated with temporarily vacant positions. The one-time cost savings contributed to the reappropriation into FY 2025 as there was a delay in the hiring process of attorneys and non-attorney staff at two new public defense offices, one located in Kansas City, Kansas, and the other located in Pittsburg, Kansas. (Note: The delay in the hiring process was caused by a previous lack of available lease space. The agency notes that the Kansas City office is operating and accepting cases. The Pittsburg office is expected to begin operations prior to the beginning of FY 2026.) The agency plans to utilize the reappropriated funds in the following ways:
 - \$2.3 million to supplement expert fees and transcription costs;
 - \$2.1 million transfer into the Capital Defense account to continue work on death penalty cases;
 - \$1.7 million transfer into the Assigned Counsel account to cover the anticipated increasing costs of the Assigned Counsel program due to statewide shortages of public defense counsel;
 - \$600,000 to cover increased lease costs due to recent expansions of various office spaces;
 - \$300,000 to lower the amortized cost of the lease space for the new offices; and
 - The remainder to pay for IT security-related projects identified in the agency's three-year IT Plan.
- **Agency:** Add \$7.8 million SGF for reappropriated funds related to capital defense operations, assigned counsel vouchers, and general operating expenditures in FY 2025.
- **LBC:** Delete \$7.0 million SGF to remove the reappropriation for general operating expenditures in FY 2025. All reappropriation lapses will be reconsidered during the 2025 Legislative Session.

2. NO SUPPLEMENTAL REQUESTS

The agency's revised estimate does not include any requests for supplemental funding in FY 2025.

3. COURT FEES AND SERVICES

The Indigents' Defense Services Fund collects fees from applications for legal counsel and bond forfeitures. In FY 2024, approximately \$1.1 million was receipted to the Indigents' Defense Services Fee Fund. Of that amount, the agency expended \$987,988

in FY 2024. This resulted in the fund having a balance forward of \$104,600 to begin FY 2025. This amount, coupled with the amount previously approved by the 2024 Legislature, gives the agency a total of \$904,600 in expenditures from the Indigents' Defense Services Fund in FY 2025. Expenditures from the fund will go toward paying the costs and fees for court reporters and expert witness services.

- **Agency:** Add \$104,600, all from the Indigents' Defense Services Fee Fund, for court report and expert witness services in FY 2025.
- **LBC:** No changes.

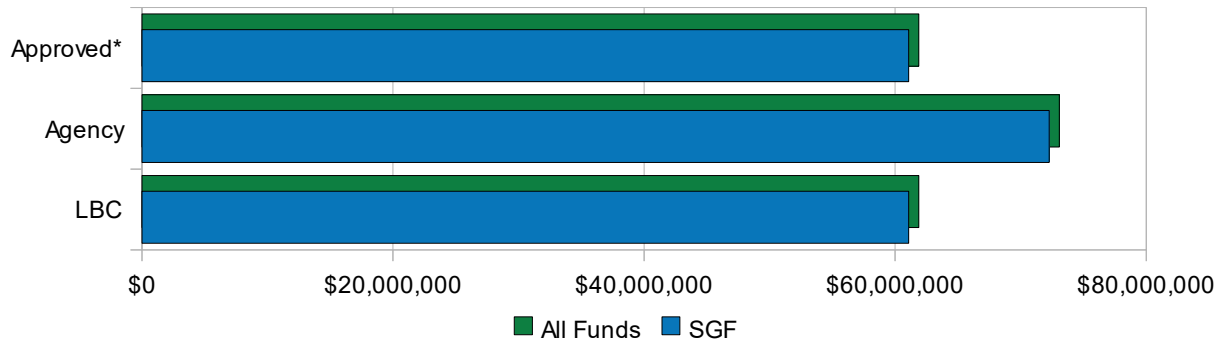
4. CLE WORKSHOPS

Each year, the BIDS provides two continuing legal education (CLE) workshops for public defenders and assigned counsel. Attendance fees from these workshops are deposited into the In-Service Education Workshop Fee Fund. In FY 2024, approximately \$8,425 was receipted to the In-Service Education Workshop Fee Fund. Of that amount, the agency expended \$3,557 in FY 2024. This resulted in the fund having a balance forward of \$10,869 to begin FY 2025. This amount, coupled with the amount previously approved by the 2024 Legislature, gives the agency a total of \$16,869 in expenditures from the In-Service Education Workshop Fee Fund. Expenditures from this fund will be used to offset costs incurred by the agency for providing the CLE workshops.

- **Agency:** Add \$10,869, all from the In-Service Education Workshop Fee Fund, for CLE workshop costs in FY 2025.
- **LBC:** No changes.

FY 2026 ANALYSIS

FIG. 5 BUDGET HIGHLIGHTS, FY 2026



* Note: Reflects legislative-approved expenditures for FY 2025, excluding reappropriations.

FIG. 6 BUDGET HIGHLIGHT CHANGES, FY 2026

Fund	2025 Agency	2025 Approved*	2026 Agency	Agency Change from Previous-Year Agency		Agency Change from Approved*	
SGF	\$ 68,866,782	\$ 61,077,682	\$ 72,284,988	\$ 3,418,206	5.0 %	\$ 11,207,306	18.3 %
All Other Funds	921,469	806,000	806,000	(115,469)	(12.5)	-	--
TOTAL	\$ 69,788,251	\$ 61,883,682	\$ 73,090,988	\$ 3,302,737	4.7 %	\$ 11,207,306	18.1 %

* Note: Reflects legislative-approved expenditures for FY 2025, excluding reappropriations.

BUDGET ANALYSIS

FIG. 7 SUMMARY OF BUDGET REQUEST, FY 2026

	Agency			Legislative Budget Committee		
	SGF	All Funds	FTE	SGF	All Funds	FTE
Approved, FY 2025	\$ 61,077,682	\$ 61,883,682	289.2	\$ 61,077,682	\$ 61,883,682	289.2
2024 SB 28 & HB 2551	61,077,682	61,883,682	289.2	61,077,682	61,883,682	289.2
Enhancement Requests	\$ 10,960,972	\$ 10,960,972	29.0	\$ -	\$ -	-
1. Public Defenders Pay Parity	6,668,972	6,668,972	-	-	-	-
2. Ethical Caseloads Support	4,292,000	4,292,000	29.0	-	-	--
Other Changes	\$ 246,334	\$ 246,334	-	\$ 246,334	\$ 246,334	-
3. All Other Adjustments	246,334	246,334	-	246,334	246,334	-
TOTAL	\$ 72,284,988	\$ 73,090,988	318.2	\$ 61,324,016	\$ 62,130,016	289.2

1. PUBLIC DEFENDERS PAY PARITY

In recent years, the Legislature has approved agency-wide salary adjustments to bring the salaries of all BIDS employees up to more competitive levels with similarly situated employees in other governmental agencies. One such adjustment provided better pay parity for public defenders when compared with their prosecutor counterparts. The agency believes that the pay adjustment had a significant positive impact on the retention and recruitment of public defense attorneys. However, the agency also notes that salaries of prosecutors in Kansas continued to outpace the salaries of public defenders by 28.0 percent in FY 2024. The Office of the Attorney General, as well as regional prosecuting offices, offer recent law school graduates a starting salary of approximately \$80,000, whereas BIDS offers recent law school graduates a starting salary of \$62,500.

BIDS further states that an August 2024 Employee Well-Being Survey conducted by the BIDS Board found that 75.0 percent of responding public defenders had considered leaving the public defense sector in Kansas due to salary concerns. In 2022, one in every five public defenders left the public defense sector. The agency is concerned that future staffing losses could result in public defenders being so overworked that indigent

persons in Kansas would not be able to receive adequate defense counsel, in direct violation of the *U.S. Constitution*. As such, the agency requests compensation adjustments for public defense attorneys to maintain adequate pay parity with prosecutors for FY 2026.

Specifically, the agency requests an additional \$6.7 million SGF to adjust the compensation of attorneys and other staff to reach better pay parity with prosecuting offices. This would provide a 28.0 percent increase for public defense attorney salaries, and an average of a 10.0 percent increase for non-attorney salaries. Should the Legislature and Governor approve the agency's request to increase the salaries of its employees, the BIDS Board has directed agency staff to work with the Office of the Governor and the Department of Administration to accommodate the salary adjustment for FY 2026.

- **Agency:** Add \$6.7 million SGF for public defense attorneys and non-attorney BIDS staff to achieve better pay parity for FY 2026.
- **LBC:** Delete \$6.7 million SGF for public defense attorneys and non-attorney BIDS staff to achieve better pay parity for FY 2026.

2. ETHICAL CASELOADS SUPPORT

According to the agency, due to the constitutional requirement that indigent defendants in Kansas have adequate defense counsel, public defense attorneys are often tasked with taking on a large number of cases each year. Per the American Bar Association's 2023 National Public Defender Caseload Standards, public defense attorneys should spend between 35 hours (for low-level felonies) and 248 hours (for high-level felonies) per case to ensure indigent defendants receive at least the minimum standard for effective assistance of counsel. According to the agency, each trial-level public defender in Kansas has an average caseload of 157.7 cases in FY 2024. This means that if each felony warranted the same amount of work, a defense attorney could work an average of 13 hours on each of the 157.7 felonious cases assigned to them.

The agency notes that more than 650 FTE attorney positions would need to be created in order to comply with national standards. However, such a significant increase in the number of public defenders in one year would outpace the agency's ability to effectively on-board and train the new employees. As such, the agency requests an increase of \$4.3 million SGF and 29.0 FTE positions for FY 2026. This would be a 10.0 percent increase in the number of attorney and non-attorney staff to be placed in the public defense offices with the greatest need for additional staff.

According to the agency, the vast majority of vacant positions will be filled in FY 2025. The agency believes that the additional 29.0 positions will allow public defense attorneys and defense staff to handle the volume of criminal cases charged by prosecutors in Kansas while also meeting the ethical and constitutional requirements of maintaining appropriate caseloads. In addition, the agency is under the belief that failure to make progress toward complying with the ethical caseloads standards could increase the likelihood of statewide litigation focused on the constitutionality of the Kansas public defense system.

- **Agency:** Add \$4.3 million SGF and 29.0 FTE positions to increase the number of attorney and non-attorney staff for FY 2026.
- **LBC:** Delete \$4.3 million SGF and 29.0 FTE positions to not increase the number of

attorney and non-attorney staff for FY 2026.

3. ALL OTHER ADJUSTMENTS

The agency's request includes \$246,334 SGF in other expenditures for FY 2026. Although there are several funding shifts throughout categories of expenditures, an increase in the cost of rent for building spaces (\$128,119) and a rise in court reporting fees (\$194,781), coupled with a decrease in expenditures for travel and lodging and other subsistence (\$44,485), contribute to all other adjustments for FY 2026.

- **Agency:** Add \$246,334 SGF in expenditures for all other adjustments for FY 2026.
- **LBC:** No changes.

REFERENCE TABLES

FIG. 8 **10-YEAR EXPENDITURE HISTORY, FY 2017 – FY 2026**

Fiscal Year	SGF	Change	All Funds	Change	FTE	CPI-U Change**
FY 2017	\$ 27,382,803	5.6 %	\$ 28,149,212	5.4 %	189.5	0.0 %
FY 2018	28,558,799	4.3	29,389,816	4.4	196.6	0.2
FY 2019	30,756,218	7.7	31,611,836	7.6	199.7	0.0
FY 2020	31,178,202	1.4	32,353,447	2.3	199.7	0.8
FY 2021	29,707,199	(4.7)	30,712,741	(5.1)	201.8	2.4
FY 2022	34,801,607	17.1	35,789,983	16.5	243.2	9.2
FY 2023	47,512,897	36.5	48,524,868	35.6	289.2	5.8
FY 2024	55,191,955	16.2	56,183,500	15.8	289.2	3.0
FY 2025 Agency	68,866,782	24.8	69,788,251	24.2	289.2	2.5
FY 2026 Agency	72,284,988	5.0	73,090,988	4.7	318.2	2.4
10-Yr. Chg. (FY 2017– 2026)	\$ 44,902,185	164.0 %	\$ 44,941,776	159.7 %	128.7	33.4 %
3-Yr. Avg. (FY 2022– 2024)*	\$ 45,835,486		\$ 46,832,784		273.9	

* Note: Reflects three most recent years of actuals data.

** Note: Consumer Price Index – All Urban Consumers estimate for FY 2025 and FY 2026 is from the Consensus Revenue Estimating Group.

FIG. 9 **EXPENDITURES BY PROGRAM, FY 2024 – FY 2026**

Program	Actual FY 2024	Agency FY 2025	LBC FY 2025	Agency FY 2026	LBC FY 2026
BIDS Administration	\$ 3,219,830	\$ 9,062,580	\$ 2,066,745	\$ 13,704,112	\$ 4,730,646
Assigned Counsel & Litigation Support	27,686,453	29,682,533	29,682,533	27,810,000	27,810,000
Trial Defense	15,161,441	21,112,616	21,112,616	20,052,233	20,052,233
Capital Defense	6,337,033	5,707,739	5,707,739	7,416,683	5,429,177
Appellate Defense	3,489,151	3,820,401	3,820,401	3,705,578	3,705,578
Legal Services for Prisoners	289,592	402,382	402,382	402,382	402,382
TOTAL	\$ 56,183,500	\$ 69,788,251	\$ 62,792,416	\$ 73,090,988	\$ 62,130,016

FIG. 10 **FTE POSITIONS BY PROGRAM, FY 2024 – FY 2026**

Program	Actual FY 2024	Agency FY 2025	LBC FY 2025	Agency FY 2026	LBC FY 2026
BIDS Administration	30.6	38.0	38.0	67.0	38.0
Assigned Counsel & Litigation Support	-	-	-	-	-
Trial Defense	195.6	183.2	183.2	183.2	183.2
Capital Defense	36.0	41.0	41.0	41.0	41.0
Appellate Defense	27.0	27.0	27.0	27.0	27.0
Legal Services for Prisoners	-	-	-	-	-
TOTAL	289.2	289.2	289.2	318.2	289.2