

SESSION OF 2012

SUPPLEMENTAL NOTE ON HOUSE BILL NO. 2413

As Amended by House Committee on
Corrections and Juvenile Justice

Brief*

HB 2413 would allow the Secretary of the Kansas Department of Revenue (the Department) to disclose specified taxpayer information from Kansas income tax returns to the Board of Indigents' Defense Services (BIDS) for the purpose of determining whether a defendant is financially able to employ counsel and contribute to the cost of legal defense services. The bill would require BIDS to provide to the Department, in the manner determined by the Department, an electronic list of the names, social security numbers, and relevant tax year of the defendants. The Department would then provide to BIDS the defendants' reported Kansas adjusted gross income and number of dependents for the relevant tax year in an electronic format and in the manner determined by the Department.

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 of the Board of Indigent Defense Services (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.

*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 Committee amended the bill to include provisions concerning the electronic sharing of information between BIDS and the Department of Revenue.

The fiscal note for HB 2413 as introduced indicates that 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 states, however, that this cost may be offset by savings resulting from some defendants being found not to qualify as indigent. Additionally, the Committee's amendment allowing the electronic sharing of information was thought to reduce the overall expense.