

SESSION OF 2014

SUPPLEMENTAL NOTE ON SENATE BILL NO. 256

As Amended by House Committee on Judiciary

Brief*

SB 256 would amend the statute allowing the Attorney General to invoke the assistance of county or district attorneys on criminal appeals to allow the reasonable costs of representation by the Attorney General to be paid by the board of county commissioners from the county general fund, pursuant to an agreement with the Attorney General. Current law allows only the payment of the costs of assistance provided by the county's county or district attorney. The Attorney General would be allowed to publish a schedule of costs for services provided by the Attorney General, not to exceed the statutory rate of compensation for attorneys appointed to represent indigent persons (currently \$80 per hour). The Attorney General would be allowed to enter into agreements with county or district attorneys for the payment of such costs, which could supersede the schedule of costs. The bill would direct any moneys paid to the Attorney General under this section to the Criminal Appeals Cost Fund, which would be created by the bill. The Attorney General would be permitted to use this fund to represent the interests of the state in criminal appeals and post-conviction proceedings.

Background

SB 256 was introduced by the Senate Committee on Judiciary at the request of the Attorney General's Office. In the Senate Committee, Attorney General Schmidt testified in support of the bill. A representative of the Kansas Association of Counties testified as an opponent.

*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>

In the House Committee on Judiciary, Attorney General Schmidt and a representative of the Kansas County and District Attorneys Association testified in support of the bill. A representative of the Kansas Association of Counties testified as an opponent.

The House Committee amended the bill to clarify that costs would be paid to the Attorney General by the county only pursuant to an agreement between those parties.

According to the fiscal note prepared by the Division of the Budget on the bill, as introduced, the Attorney General's Office anticipates it would need one criminal appeals attorney FTE position at \$80,000 annually to handle county-generated appeals. Fees would be collected from the county and district attorneys under the provisions of the bill, but the amount of revenue generated by the fees cannot be determined at this time. However, the fees generated would be used to offset the cost of the additional attorney's salary. Any fiscal effect associated with the bill is not reflected in *The FY 2015 Governor's Budget Report*.