

SESSION OF 2013

**SUPPLEMENTAL NOTE ON SENATE SUBSTITUTE FOR
HOUSE BILL NO. 2043**

As Recommended by
Senate Committee on Judiciary

Brief*

Senate Sub. for HB 2043 would amend the statute setting forth the duties of the Attorney General to clarify that the Attorney General shall represent the State in “any and all” actions in the Kansas Supreme Court, Kansas Court of Appeals, and in all federal courts in which the State shall be interested or a party. The bill would clarify that the Attorney General, when so appearing, shall control the State’s prosecution or defense.

Background

HB 2043, as introduced, would have amended the definition of the crime of aggravated battery. After the Senate Committee on Judiciary added the contents of that bill to HB 2218, the Committee agreed to delete the contents of HB 2043 and insert the contents of SB 228.

In the Senate Judiciary Committee, a representative of the Attorney General’s Office appeared in support of SB 228, explaining the Office had requested the bill to clarify the responsibility of the Attorney General to represent the state before Kansas appellate courts and federal courts. Attorney General Derek Schmidt submitted written testimony supporting the bill. There was no other testimony.

*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 inserted the contents of the bill into HB 2043 and further amended the bill to add the Kansas Court of Appeals to the list of courts in which the Attorney General would be required to represent the State.

The fiscal note prepared by the Division of the Budget indicates SB 228, as introduced, would have no fiscal effect.