

House Judiciary Committee

January 26, 2021

HB 2096

Testimony of  
Heather Cessna, Executive Director  
Kansas State Board of Indigents' Defense Services  
Proponent

Dear Chairman Patton and Members of the Committee,

The Board of Indigents' Defense Services is tasked with providing constitutionally effective and fiscally efficient legal representation to all indigent persons in Kansas accused of state felony crimes. We do this by directly employing public defenders and public defense staff as state employees and by paying defense attorneys appointed by the district and appellate courts for the work they do on indigent cases.

**What HB 2096 Does**

HB 2096 would amend the Kansas Open records Act (KORA) so that public websites that identify home addresses will not grant access to identifying information from certain people including members of the judicial branch, the Department of Corrections, District Attorneys, Municipal Court employees, and administrative hearings officers. This bill would expand the list of public servants who may have their identifying information restricted from public access on public websites that identify home address or home ownership. The goal of this legislation is to help protect those in public positions, and their families, from threats and harassment that can occur due to those public roles.

**We would ask that the list of persons covered by HB 2096 to also include public defenders and appointed defense counsel.**

Defense counsel can be subject to unwanted contacts, threats, and/or harassment from people involved in cases, or the general public in much the same manner as prosecutors or local judges as a result of their names being included as part of public pleadings in our courts or their involvement in certain cases that garner media attention.

There have been past incidents where defense counsel have had individuals involved in cases show up at their private (non-business related) homes. As such, we request the committee consider including in the list: "a public defender, an assistant public defender, contract counsel for the state board of indigents' defense services, or an attorney who is appointed by the court to perform services for an indigent person as provided by article 45 of chapter 22 of the Kansas Statutes Annotated, and amendments thereto"

The difference between BIDS employed public defenders or BIDS paid appointed defense counsel and other defense counsel is that our counsel do not, by and large, have the option of choosing their cases. Unlike a private attorney who is retained, our public defenders and appointed counsel cannot

choose to decline a case simply because of the unwanted attention of the public, media, or other interested parties. By including these attorneys in this list, this would provide defense counsel that serve a public appointed role with the same protections as the other players in the criminal legal system who may be serving in their roles in the same case.

I'm always happy to provide any other information that the committee may find helpful. Thank you for your consideration.

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