

Bill Number:	Assigned Committee: Special Judiciary Committee
FN Due Date: 8/23/13	
Hearing Scheduled? yes	Date of Hearing: 8/26/2013
Version of the bill: Introduced	DOB Analyst: Sheena Ward
Responding Agency: State Board of Indigents' Defense Services	
Prepared by: Patricia A. Scalia	

Fiscal Impact	Yes	No
State (Would this bill have a fiscal effect on your agency?)	X	
Local (Would this bill have a fiscal effect on local governments?)	X	
Tax Revenue (Would this bill affect State General Fund revenues?)		X
Fee or Other Revenue (Would this bill affect revenues to other state funds?)		X

	FY 2013	FY 2014	FY 2015
Expenditures			
State General Fund	-0-	441,540	441,540
Fee Fund(s)			
Federal Fund			
Total Expenditures	-0-	441,540	441,540
Revenues			
State General Fund			
Fee Fund(s)			
Federal Fund			
Total Revenues			
FTE Positions	-0-	-0-	-0-

Bill Description

Briefly describe what the legislation does. Describe the change(s) from current law that would drive an increase or decrease in expenditures or revenues. If federal funds are affected by the bill in some way, explain that relationship as well. Note any technical or mechanical defects with the bill (bill drafting errors only, do not include commentary as to whether the bill should be enacted or not).

This bill would return to district court for jury proceedings those cases with sentences increased by the judge due to certain circumstances but not considered by a jury.

Assumptions for Fiscal Effect Estimate

Expenditures: *Detail the assumptions made in preparing the cost estimate. Describe agency expenditures that would become necessary with passage of the bill and how workload assumptions translate into the cost estimates. The estimate for any new position should be detailed to show the salary, benefits and associated other operating costs (such as a computer or other equipment). Distinguish between one-time and ongoing costs.*

Revenues: *Describe the assumptions and methods used in estimating the bill's effect on revenues. Detail the source of the revenue—is it a tax, agency earning, fee income or a federal reimbursement—and the fund that would receive the revenue. Distinguish between one-time and ongoing revenue changes estimated to result from passage of the bill.*

A minimum of 100 hours of homicide qualified attorney work from public defenders is anticipated at the trial level on each case. The cost of salary plus benefits (benefits are calculated at 19% of salary) is about \$41.65/hour x 100 hours= \$4,165 for each case.

If assigned counsel defended the case originally and must be called upon for the jury sentencing, the hourly attorney cost would be \$62/hour and a cost of \$6,200 for each case. For purposes of this fiscal note, only public defender costs are used.

Mental health experts or other experts would conduct record review; would interview the defendant and would testify at the jury sentencing. The cost of experts varies depending on the type of expert but at a minimum, the cost will be \$2,500 per case.

The Kansas Sentencing Commission advises that 60 cases have been sentenced under the current “Hard 50” statute and that another 40 cases have been sentenced under the “Hard 40” statute.

Appellate review of the cases newly sentenced will require briefing and argument on every case. The number of appellate public defender hours required for that work will be 48 hours for a cost of \$1,999.20 per case.

Appellate review of the cases currently in the district court and not requiring re-sentencing under this statute will take an additional 20 hours of appellate defender time for an additional cost of \$833 per case. Advice from the Office of the Attorney General is that 38 cases are in this posture for a total cost of \$16,660.

Long-Term Fiscal Considerations

If the bill affects future years, beyond those shown in the table above, explain the long-term fiscal effect—are the revenues stable over the long term or would there be a phase-in of costs or revenues; if the bill ends at a specific future date, indicate this as well.

The total costs listed for the fiscal years noted anticipate the retrial of 50 cases each year in addition to regular caseloads. It is very likely not possible for all of these cases to be completed at the trial level in this two year span. Similarly, the appellate work on all of these cases will not be completed in this two year span.

The appeals of future cases will require the additional 20 hours of appellate defender time as noted above.

Local Government Fiscal Effect

If the bill affects local governments, identify which local governments would be affected (e.g., cities, counties, school districts, water districts, etc.). Describe the bill's fiscal effect to the local governments.

County government will be affected in several ways including the location, contact and impaneling of original or alternate jurors and all of the duties and functions of county government associated with the provision of jury trials.

References/Sources

If there are supporting documents or spreadsheets explaining calculations or assumptions, please attach them.