

## **Notice of Hearing on Proposed Administrative Regulation**

A public hearing will be conducted at 9 a.m. Tuesday, October 7, 2014 in Room 500, Jayhawk Tower, 700 S.W. Jackson, Topeka, to consider the adoption of a proposed regulation of the State Board of Indigents' Defense Services on a permanent basis.- K.A.R. 105-11-1.

This 60-day notice of the public hearing shall constitute a public comment period for the purpose of receiving written public comments on the proposed rule and regulation. All interested parties may submit written comments prior to the hearing to Patricia A. Scalia, Executive Director, State Board of Indigents' Defense Services, 700 S.W. Jackson, Room 500, Topeka, 66603, or at [pscalia@sbids.org](mailto:pscalia@sbids.org). All interested parties will be given a reasonable opportunity to present their views orally on the adoption of the proposed regulation during the hearing. There is no cost associated with these amendment's to BIDS or any other entity.

Any individual with a disability may request accommodation in order to participate in the public hearing and may request the proposed regulations and economic impact statements in an accessible format. Requests for accommodation should be made at least five working days in advance of the hearing by contacting Patricia A. Scalia at [pscalia@sbids.org](mailto:pscalia@sbids.org) or at (785) 368-6295. The entrance to the Jayhawk Walk is accessible, and parking for persons with disabilities is in front of the building.

Copies of the proposed regulations and the economic impact statement may be obtained by contacting Patricia A. Scalia at [pscalia@sbids.org](mailto:pscalia@sbids.org) or (785) 368-6295. A summary of the proposed regulations follows:

## SUMMARY OF PROPOSED REGULATION

K.A.R 105-11-1 provides for the adoption by reference of the “attorney cost reimbursement tables: assigned counsel and public defender.” This table is revised annually and is used by the Court to order defendants to pay some or all of the cost of their defense.

This regulation is not mandated by federal law. There is no cost to any state or federal agency created by this regulation. However, this regulation provides the table for an assessment of defense cost against private persons for the professional services of public defenders or assigned counsel.

There is no environmental impact.

Patricia A. Scalia  
Executive Director

**105-11-1. Defendant reimbursement of attorney fees.** The document titled “attorney cost reimbursement tables: assigned counsel and public defender,” as revised by the state board of indigents’ defense services on June ~~29, 2012~~ 6, 2014, is hereby adopted by reference. (Authorized by K.S.A. 22-4504; implementing K.S.A. 22-4522; effective, T-105-10-3-05, Oct. 3, 2005; effective Feb. 17, 2006; amended, T-105-7-5-06, July 5, 2006; amended Nov. 13, 2006; amended, T-105-7-26-07, July 26, 2007; amended Nov. 26, 2007; amended, T-105-8-12-08, Aug. 12, 2008; amended Dec. 29, 2008; amended, T-105-6-26-09, June 26, 2009; amended Oct. 16, 2009; amended, T-105-8-16-10, Aug. 16, 2010; amended Nov. 5, 2010; amended, T-105-7-22-11, July 22, 2011; amended Nov. 14, 2011; amended Dec. 14, 2012; amended P-\_\_\_\_\_.)

**BOARD OF INDIGENTS' DEFENSE SERVICES  
ATTORNEY COST REIMBURSEMENT TABLES:  
ASSIGNED COUNSEL AND PUBLIC DEFENDER**

Revised June 6, 2014

**NON DRUG**

SEVERITY LEVEL	TRIED	NON-TRIED
1	\$8,625	\$2,300
2	\$8,000	\$2,300
3	\$5,075	\$1,410
4	\$4,000	\$1,085
5	\$3,580	\$ 925
6	\$2,800	\$ 775
7	\$2,775	\$ 700
8	\$2,700	\$ 600
9	\$2,250	\$ 600
10	\$2,250	\$ 600

**DRUG**

SEVERITY LEVEL	TRIED	NON-TRIED
1	\$5,565	\$1,585
2	\$3,900	\$ 1,050
3	\$3,200	\$ 900
4	\$2,800	\$ 750
5	\$2,600	\$625

**HEARINGS**

TYPE	AMOUNT
Habeas Corpus & 60-1507	\$1,070
PV and DV	\$245

**APPEALS**

TYPE	AMOUNT
Criminal-Direct	\$1,800
Sentencing	\$1,800
K.S.A. 60-1507 Habeas Corpus	\$1,300
Petition for Review	\$225

**OFF-GRID**

TRIED 2 weeks or less	NON-TRIED
\$9,500	\$4,200
Add \$4,000 for each additional week of trial	

Reimbursement tables are to be used in determining amount defendant is obligated to repay the State – as ordered by the discretion of the court.

## **Economic Impact Statement**

This regulation update incorporates by reference the “Attorney Cost Reimbursement Tables: Assigned Counsel and Public Defender” revised on June 6, 2014. This table lists the average actual cost to the agency for attorney costs on each level of felony. The court may order a defendant to repay this average cost or the actual attorney cost on the case, whichever is the lower cost.

This regulation update has no cost effect on the State Board of Indigents’ Defense Services or any other state or federal agency, nor does it have any cost on employers. This regulation update does increase the cost of reimbursement of attorney services on those defendants who receive this service and are ordered by the court to make the reimbursement. These funds are paid to the state general fund.

There is no environmental impact.