NARRATIVE INFORMATION – DA 400

DIVISION OF THE BUDGET
STATE OF KANSAS

AGENCY NAME: Kansas State Board of Indigents' Defense Service
AGENCY NUMBER: 328-00 FUNCTION NO. 01
PROGRAM TITLE AND NUMBER: AID TO INDIGENTS DEFENSE
SUBPROGRAM TITLE AND NUMBER: AGENCY SUMMARY

Dear Governor, Division of Budget staff, and Senate and House Budget Subcommittee Members:

The Kansas State Board of Indigents' Defense Services submits to you for your approval its budget request for FY 2027 and FY 2028.

BIDS exists to provide constitutionally required counsel to every individual charged with a felony crime who qualifies for appointed counsel in every court across the state. The majority of counties that BIDS serves are rural. Approximately eighty-four percent (84%) of all criminal felony cases in Kansas require appointed counsel. Our agency is deeply appreciative of the Legislature's continued investments in the Kansas public defense system.

As I wrap up my first year as Executive Director of BIDS, the agency continues to make significant progress toward three key priorities: efficiency, modernization, and quality services. I am especially grateful for the 2026 Legislature's appropriation of $600,000 to bring starting salaries for the agency's newest Public Defenders closer to salary levels for similarly experienced prosecutors in Kansas. This investment supports efficiency by allowing BIDS to recruit and retain qualified public defenders, saving the costs of hiring, onboarding and training new staff, and preventing additional cases from being referred to private assigned counsel at $125 per hour.

Other efforts toward efficiency, modernization, and quality services include ensuring that all attorneys who are appointed to felony cases in Kansas have the resources – including investigators, forensic experts, and interpreters – that their clients' cases require. When those resources are needed but not utilized, courts are likely to find that the attorney has provided ineffective assistance, or substandard legal representation, which can result in cases being retried at significant expense to the state.

On the modernization front, I am proud of several of the agency's recent improvements, including facilities improvements for three of our most in-need offices, which will increase environmental health and safety for our employees and provide additional much-needed space. We have worked efficiently with existing funds to purchase Office 365 for the agency, and we are working toward the procurement of cell phones with data management control software for attorneys, investigators, and mitigation specialists. These are essential technological upgrades for our agency to protect our data integrity, the confidentiality of our clients' case information, and the safety of our staff. We asked for the funding to provide these technological upgrades in last year's budget, but we did not receive the funding. However, because of the serious need for our agency to continue to modernize and ensure the data security and staff safety, we have worked diligently to continue on the path of procurement of these vital upgrades, in the most efficient way possible.

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This year's budget submission is focused on continuing the progress BIDS has made in efficiency, modernization, and quality services. The agency's budget request relies on maintaining current funding levels, with the addition of four targeted enhancement requests for the Governor and Legislature to consider as we partner with you to meet our state's constitutional obligations for indigent defense:

(1) $1.5M in FY 2027 and $2.2M in FY 2028 in additional expert funding appropriations to ensure BIDS can pay the invoices submitted for expert services, which have averaged approximately $5M annually in recent years;

(2) $694,756 to fund the first year of a planned two-year pilot project to provide defense representation for children and youth;

(3) $76,730 in FY 2027 and $997,437 in FY 28 to hire 10.0 new attorneys who will graduate law school in May 2028 after completing internships with BIDS; and

(4) $811,790 in FY 2027 and FY 2028 to hire additional employees (3.0 additional BIDS attorney positions, 2.0 additional mitigation specialists and 1.0 additional investigator) to provide additional services required following statutory changes enacted in 2026.

A strong public defense system not only protects our clients' rights and satisfies the state's obligations under the constitutional requirements of the Sixth Amendment, it also protects the individual liberties of all people in Kansas, prevents wrongful conviction, saves down-the-line incarceration costs for the Kansas Department of Corrections, and is essential to maintaining the legitimacy and fairness of the judicial process.[1]

The Board of Indigents' Defense Services appreciates the support of the Governor and the Legislature. Continued investments will allow BIDS to provide constitutionally effective and economically efficient defense to all people in Kansas who need our services.

[1] Fabelo, Tony, "What Policy Makers Need to Know To Improve Public Defense Systems", *Bureau of Justice Assistance*, U.S. Dept. of Justice, December 2001, https://www.ncjrs.gov/pdffiles1/bja/190725.pdf

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Sincerely,

Ann E. Sagan

Ann Sagan
Executive Director

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Board of Indigents' Defense Services

AGENCY MISSION

The Board of Indigents' Defense Services' mission is to fulfill the constitutional promise of a zealous defense by providing our clients with team-based advocacy that champions their human dignity and achieves just outcomes on their behalf.

STATUTORY PURPOSE

The statutory purpose of the State Board of Indigents' Defense Services is to provide, supervise, and coordinate, in the most efficient and economical manner possible, the constitutionally and statutorily required counsel and related service for each indigent person accused of a felony and for such other indigent persons as prescribed by statute.[2]

AGENCY PHILOSOPHY

The employees of the Board of Indigents' Defense Services strive to protect individual liberty and seek just outcomes for our clients through dedication to the Constitution and the Bill of Rights, and the effective and efficient use of resources.

[2] K.S.A. 22-4522(a)

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PROGRAMS ESTABLISHED TO ASSIST WITH AGENCY MISSION AND STATUTORY PURPOSE:

1. Administration Office
   a. Fiscal
   b. HR
   c. Legal
   d. IT
   e. Training
   f. Special Projects
2. Trial Level Offices
   a. 14 trial level non-capital offices and office branches across Kansas.
3. Appellate Defender Office
   a. One state-wide appellate level non-capital office.
4. Death Penalty Defense
   a. Death Penalty Defense Unit
      i. Trial Divisions in Topeka & Wichita
   b. Three Offices Providing Capital Post-Conviction Representation
      i. Capital Appeals & Conflicts Office
      ii. Capital Appellate Defender Office
      iii. State Capital Habeas Office
5. Assigned Counsel Program
   a. Private assigned Counsel on Attorney panels
   b. Private Contract Counsel

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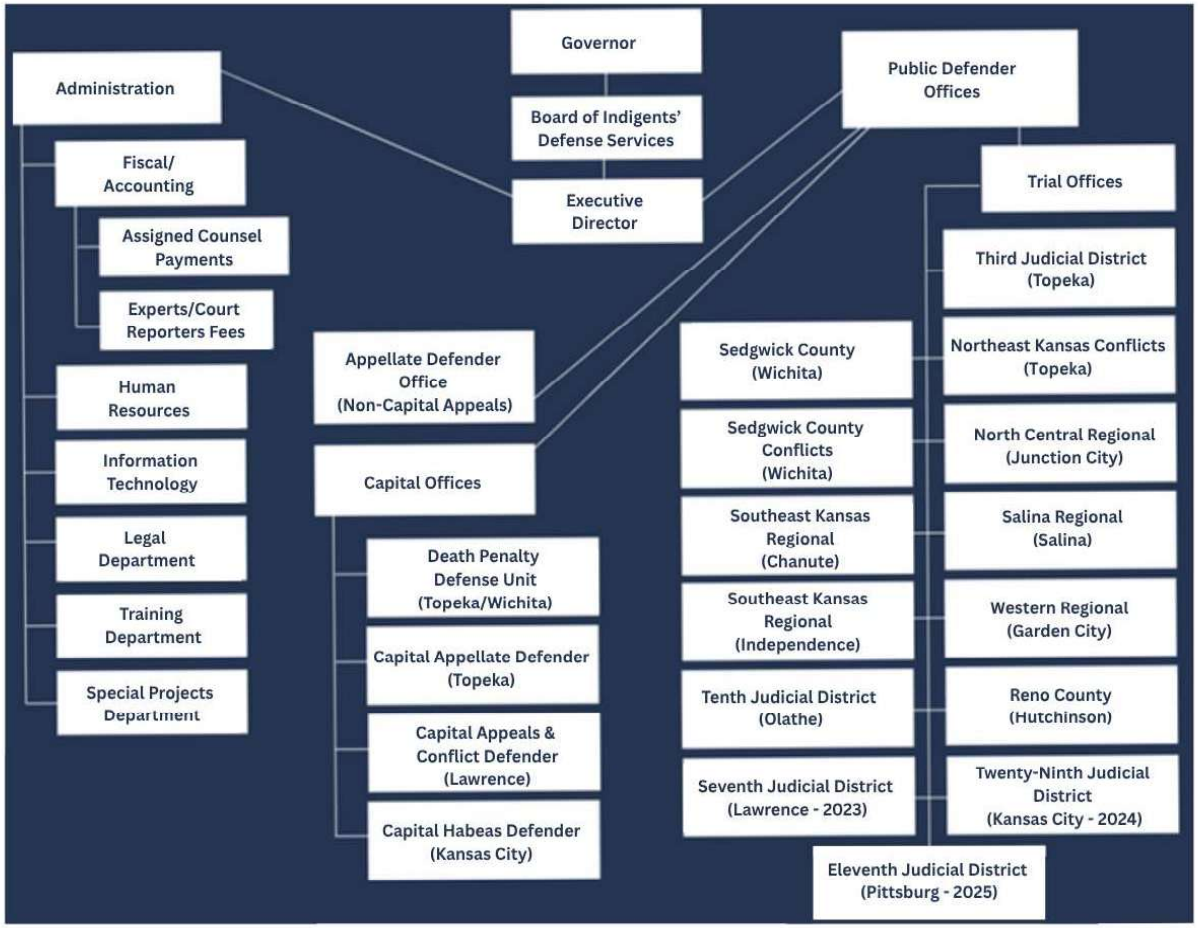
Agency Organizational Chart FY 2027



STATUTORY HISTORY AND THE DEFENSE SYSTEM

The State Board of Indigents' Defense Services was created by the 1982 Legislature for the purpose of providing indigent felony defense services as required by the Sixth Amendment to the United States Constitution. The present Board succeeded the Board of Supervisors of Panels to Aid Indigent Defendants (1969 Legislature - K.S.A. 22-4501 et seq.) which was abolished on the effective date of the 1982 legislation.

The 1982 Legislature provided that the Board could: 1) contract with one or more law firms in a county or district for the defense of indigent persons accused of felonies; 2) contract with cities or counties to provide for defense of misdemeanors or other defense services at the expense of the city or county; 3) accept the services of volunteer workers and consultants; 4) appoint public defenders; 5) conduct attorney training programs; 6) provide technical aid or assistance to attorneys; and 7) accept and expend governmental and private grants.

The Kansas Public Defense System, administered by the Board of Indigents' Defense Services, consists of two types of indigents' defense delivery systems: our Assigned Counsel Program and our regional and statewide Public Defender Offices.

Our Assigned Counsel Program includes assigned counsel on attorney panels and contract counsel. Assigned counsel on attorney panels are private attorneys who volunteer to serve on local appointment panels in each judicial district where they are assigned felony cases by the local judge in exchange for the current BIDS hourly rate. Contract counsel are local private attorneys who have accepted contracts from BIDS to handle either specific cases, regional appointments, or certain types of cases at the assigned counsel rate or under negotiated contract terms and special rates. Assigned Counsel on attorney panels and Contract Counsel are not BIDS employees. They are private attorneys who have agreed to take indigent criminal defense cases.

Kansas State Level Public Defender Offices in FY 2026[3]

Office	Localities Served	Year Established	Current Chief Public Defender
Appellate Defender Office 700 SW Jackson Street, Suite 900 Topeka, KS 66603	Statewide	1985	J. Patrick Lawless
Capital Appellate Defender Office 300 SW 8th Street, Suite 303 Topeka, KS 66603	Statewide	2002	Vacant
Capital Appeals and Conflicts Defender Office 1040 New Hampshire Lawrence, KS 66044	Statewide	2002	Reid Nelson
Capital Habeas Defender Office 552 State Avenue Kansas City, KS 66101	Statewide	2015	Terri Backhus

[3] Adult Felony only—Juvenile/misdemeanor cases are handled through a separate county-by-county appointment system.

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Death Penalty Defense Unit (Topeka - Main Office) 300 SW 8th Street, Suite 300 Topeka, KS 66603	Statewide	1995	Mark Manna
Death Penalty Defense Unit (Wichita Satellite Office) 604 N. Main Street Wichita, KS 67203	Statewide	1995	Mark Manna
Eleventh Judicial District Public Defender Office 506 N Pine, Suite A Pittsburg, KS 66762	Crawford County, Labette County, Cherokee County	2025	Jessica Watts
North Central Kansas Public Defender Office 819 N. Washington Street Junction City, KS 66441	Geary County, Riley County, Clay County, Morris County, Dickinson County	1972	Trey Bryant
Northeast Kansas Conflicts Public Defender Office 700 SW Jackson Street, Suite 1001 Topeka, KS 66603	Shawnee County (Conflicts/overflow cases)	1997	Jonathon Noble
Reno County Public Defender Office 129 W 2nd Ave, Suite 200 Hutchinson, KS 67501	Reno County	1996	Christine Jones
Salina Regional Public Defender Office 119 W. Iron Ave, 6th Floor Salina, KS 67401	Saline County, Ottawa County	1973	Justin Bravi

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Sedgwick County Public Defender Office 604 N. Main Street, Suite D Wichita, KS 67203	Sedgwick County	1985	Jennifer Amyx
Sedgwick County Conflicts Public Defender Office 266 N. Main Street, Suite 210 Wichita, KS 67202	Sedgwick County (Conflicts/overflow cases)	2009	Bradley Sylvester
Seventh Judicial District Public Defender Office 1040 New Hampshire Street Lawrence, KS 66044	Douglas County	2023	Jessica Glendening
Southeast Kansas Regional Public Defender Office 10 S. Highland Ave Chanute, KS 66720	Allen County, Neosho County, Wilson County, Woodson County	1997	Jay Witt
Southeast Kansas Public Defender Satellite Office 400 N. 14th Street Independence, KS 67301	Chautauqua County, Montgomery County	2004	Jay Witt
Third Judicial District Public Defender Office 701 SW Jackson Street, 3rd Floor Topeka, KS 66603	Shawnee County	1972	Danielle Hamilton Slate
Tenth Judicial District Public Defender Office 115 E. Park Street, Suite A Olathe, KS 66061	Johnson County	1989	Michael McCulloch

Twenty-Ninth Judicial District Public Defender Office 550 State Avenue Kansas City, KS 66101	Wyandotte County	2024	David Magariel
Western Regional Public Defender Office 113 Grant Ave Garden City, KS 67846	Finney County	1994	Lori Jensen

A History of BIDS Assigned Counsel Rates

In December 1987, the Kansas Supreme Court held in *State ex. rel. Stephan v. Smith,* 242 Kan. 336 (1987), that the state's existing system of appointing and compensating assigned counsel was unconstitutional. The court overturned the then-mandatory appointment process for assigned counsel and ruled the state "has an obligation to pay appointed counsel such sums as will fairly compensate the attorney...at a fair rate which is not confiscatory, considering overhead and expenses." In essence, the court ordered an end to the long-standing reliance on the goodwill of the County Bar for indigent defense and instructed the state to pay reasonable compensation to attorneys assigned to represent indigent defendants.

As a result of *Stephan v. Smith*, the 1988 Legislature approved an increase in the compensation rate for assigned counsel from $35 to $50 per hour. Service by private attorneys on panels for appointment as counsel to indigent defendants was also made voluntary. In 2006, the Legislature increased the compensation for assigned counsel through statute K.S.A. 2006 supp. 22-4507, from $50 to $80 per hour. In 2024, the Legislature increased the statutory compensation for assigned counsel through statute K.S.A. 2024 Supp. 22-4507 from $80 per hour to a minimum of $120 per hour up to $140 per hour. The 2024 budget bill included a proviso to set the maximum assigned counsel rate at $125 per hour, but caseloads were not included in the budget bill and therefore the Board only authorized payments up to $120 per hour at that time. The 2026 Legislature provided caseload funding at $125/hour, and the Board has now authorized funding assigned counsel at $125/hour.

The chart on page 9 shows the history of progressive changes to the BIDS assigned counsel rate under K.S.A. 22-4507(c):

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BIDS Assigned Counsel Hourly Rates

Year of Change	Paid Hourly Rate	Reason for Change
1982	$35	Original rate set by Legislature
1988	$50	*Stephan v. Smith*/ Legislative funding increase
2006	$80	Legislative Increase
2010	$62	Prorating by the BIDS Board due to budget shortfalls
2016	$65	Public hearing/ Legislative funding increase
2017	$70	Public hearing/Legislative funding increase
2018	$75	Public hearing/ Legislative funding increase
2019	$80	Public hearing/ Legislative funding increase
2022	$100*	Special Budget Proviso/ Legislative funding increase
2021	$120*	Special Budget Proviso/ Legislative funding increase
2022	$120*	Special Budget Proviso/Legislative funding maintained.
2023	$120*	Special Budget Proviso/Legislative funding maintained.

2024	$120	Statutory amendments to K.S.A. 22-4507 allowed rate of $120-$140, funding maintained at $120 per hour for FY 2025.
2025	$120	Budget proviso authorized funding for $125/hour, but omitted caseloads prevented paying this amount, and therefore funding was maintained at $120/hour until July 2026.
2026	$120	Budget proviso authorized funding for $125/hour. Board increased assigned counsel rate to $125 per hour for FY 2027.

*Statutory hourly rate remained at $80 per hour, higher rates were being paid through a series of special budget provisos in BIDS budget bills.

AGENCY WIDE OVERVIEW OF CURRENT YEAR ESTIMATE AND BUDGET YEAR SCENARIOS

The BIDS budget can be described in thirds: Public Defender Offices; Assigned Counsel; and Defense Services, including court reporters, interpreters and experts.

Public Defender Offices

Our agency is comprised of 285.0 FTE, which are distributed as follows:

Trial Level Non-Capital Public Defender Offices	186.0
Death Penalty Defense	39.0
Administration	30.0
Appellate Defender Office (Non-Capital)	29.0

Our public defender offices are staffed by attorneys, investigators, mitigation specialists, legal assistants, and administrative specialists. Interns are budgeted based on the number of hours the positions are filled during the year. Our public defender offices provide high-quality services and are staffed by professionals who have the benefit of training and a state-wide network of support through our Administration Office. However, many of our offices are understaffed, and consequently we are required to rely on the costly services of assigned counsel on panels and contract counsel to take cases that could otherwise be more efficiently represented in a public defender office at the equivalent of lower hourly rates.

Assigned Counsel

The statutory payment rate for our assigned counsel is currently funded at $125 per hour, though BIDS has statutory authority under 2024 changes to K.S.A. 22-4507(c) to go as high as $140 per hour. However, to support a rate of more than $125 per hour long-term, additional funding

would need to be secured for the assigned counsel program under future budget requests. The assigned counsel rate increased from $120/hour to $125/hour on July 1, 2026.

Assigned counsel, though necessary, cost more per hour than public defenders. Although their hourly rates are well below the market rate, assigned counsel make significantly more per hour than even our highest paid public defenders. Associated investigation costs through private investigators hired on assigned counsel cases are also much more expensive per hour than our in-house investigators that work as full-time employees in our public defender offices. However, because of two major inefficiencies with our public defender staffing—(1) insufficient salaries which lead to lack of employee retention, and (2) the insufficient number of public defender FTEs for each of our non-capital offices—we have had to rely on assigned counsel to take approximately 2/3 of the indigent criminal defense cases in the state. In order to reduce the agency's reliance on costly private counsel, we will need to seek your partnership in the coming years to correct these systemic inefficiencies and increase our public defender pay and the number of attorney FTEs available to our non-capital offices.

Defense Services: Experts and Court Reporters

For many years, revenue in the Indigents' Defense Services fee fund has fluctuated while expert and court reporter costs continue to climb. The projected state general funds and fee funds have not adequately supported expert and court reporter payments. Fluctuating fee funds, savings from the remainder of the Operating Appropriation line item, and carrying unpaid claims into the next year have been the means for the agency to deal with this issue. BIDS had previously used one-time cost savings to cover these increased expert costs, but these savings will not occur in FY 2027 due to the vacancy proviso in 2026 HB 2513, and therefore the full amount must be incorporated into the budget.

BIDS continues to negotiate fees with experts at lower than market rates, but even those costs still increase year-to-year. Permanent funding to support these costs is required.

	FY 2020 (Actuals)	**FY 2021 (Actuals)**	**FY 2022 (Actuals)**	**FY 2023 (Actuals)**	**FY 2024 (Actuals)**	**FY 2025 (Actuals)**	**FY 2026 (Actuals)**	**FY 2027 (Projected)**	**FY 2028 (Projected)**

Experts Expenditures By Year	$1,229,582	$1,178,837	$2,008,522	$2,114,188	$3,731,092	$4,253,687	$5,341,176	$5,500,000	$5,500,000

Expert cost increases have been driven both by capital defense and assigned counsel. Assigned counsel incurs expert costs for expenses like investigators, which is not a typical cost for a BIDS trial office since we employ investigators in-house, which is more cost efficient.

	FY 2020 (Actuals)	**FY 2021 (Actuals)**	**FY 2022 (Actuals)**	**FY 2023 (Actuals)**	**FY 2024 (Actuals)**	**FY 2025 (Actuals)**	**FY 2026 (Actuals)**	**FY 2027 (Projected)**	**FY 2028 (Projected)**
Transcription costs by year	$680,447	$378,279	$430,764	$543,338	$623,946	$727,980	$638,549	$779,000	$779,000

Transcriptionist totals vary based on the length of trials transcribed. Transcription costs declined significantly in FY 2021 due to the pandemic and the associated lack of case movement in the courts during that time. Transcript costs in began to climb in FY 2022 and FY 2023, and returned to pre-pandemic levels in FY 2025. The budgets for FY 2027 and FY 2028 include a slight increase over the FY 2025 amount to ensure these crucial costs operate within budget in case costs continue on a linear basis.

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Public Defense Service Coverage Areas by Type - FY 2026

Counties With Public Defender Office Coverage	Counties with Contract Counsel Coverage	Counties with Assigned Counsel Panel Coverage
Allen Chautauqua Cherokee Clay Crawford Dickinson Douglas Finney Geary Johnson Labette Montgomery Morris Neosho Ottawa Reno Riley Saline Sedgwick Shawnee Wilson Woodson Wyandotte	Atchison, Barton, Brown, Butler, Cherokee, Cloud, Crawford, Dickinson, Doniphan, Douglas, Ellsworth, Geary, Hamilton, Harper, Jefferson, Jewell, Johnson Kearney, Kingman, Labette, Leavenworth, Lincoln, Miami, Mitchell, Ottawa, Rice, Reno, Republic, Saline, Scott, Sedgwick, Shawnee, Stafford, Sumner, Washington, Wyandotte	All Counties

EXPERTS

Expert service expenditures are reported in the budget program associated with the corresponding requesting attorney (Trial, Appellate, Assigned Counsel, and Capital). Account Code 527970 is utilized to reflect these expenditures. Since the same issues impact the use of expert services across all program areas, a brief summary of these issues and aggregate historic statistical information for expert services is provided.

Expert witness costs have been artificially deflated in previous budget cycles in order to responsibly use cost savings from other categories. Both to increase budget transparency and due to some salaries and wages cost savings being lapsed in FY 2027, expert costs are fully included in the budget as an enhancement, though these expenses are not truly optional costs for BIDS nor are they a programmatic change. BIDS has spent significant effort to identify savings in other areas to fill as much of the budget gap as reasonably possible, accounting for nearly 60% of the funding gap in FY 2027.

Expenditures in this category include private investigators, private mitigation specialists, interpreters, experts specializing in DNA analysis, digital forensics, crime scene analysis, sexual abuse, psychology, ballistics, , and other specialties. Expert costs are an essential part of effective defense, and are required under Supreme Court decisions requiring the use of experts in order to provide effective assistance of counsel. This is reflected in the subsequent charts.

This increase in the use of experts and the subsequent cost is due to:

1) the impact of legislation establishing new criminal offences, increasing sentences, or increasing the severity level of a crime,
2) the increased need for the use of digital forensics experts to reflect the changing landscape of technology and artificial intelligence in criminal cases and the proliferation of body cameras and other digital technology used by law enforcement,
3) more expert hours being required on a case because of a higher volume of discovery, including an increased number of hours of recorded video by law enforcement,
4) United States Supreme Court decisions finding that attorneys are ineffective if they do not use experts for the defense,
5) an increase in billed rates even though we maintain a list of experts who are willing to provide services for indigent defense at a reduced cost,
6) the increased professional standards that require *Daubert* hearings to assess scientific expert testimony prior to admission into evidence.

FY 2026 Agency Appropriation

CURRENT YEAR
FY 2027 Appropriation – Current Service Level - $68,173,687

The agency's FY 2027 budget includes $67,073,606 in SGF appropriations, an estimated $1,091,538 in Indigents' Defense Services fee fund receipts, and an estimated $8,543 of revenue from the Inservice Education fee fund. It also includes $4,539 in reappropriations, which were committed to capital defense contracted counsel costs that were received in FY 2026 but the outstanding amount exceeded the reappropriation.

The FY 2027 budget submission also includes an item that requires no funding: a proviso allowing the agency to spend up to $1,500 for hospitality from its operating account. There are a number of instances that require hospitality funds, including trainings for staff and assigned counsel as well as office tours for stakeholders.

BUDGET YEAR
FY 2028 Appropriation – Current Service Level - $70,234,162

The agency's FY 2028 budget includes $69,134,081 in SGF appropriations, an estimated $1,091,538 in Indigents' Defense Services fee fund receipts, and an estimated $8,543 of revenue from the Inservice Education fee fund.

The FY 2028 budget submission also includes the same hospitality proviso as FY 2027.

The FY 2028 budget submission also includes a proviso related to child and youth defense, as part of Enhancement Package #2.

BIDS Enhancements

Enhancement Package #1 –Expert Costs - $1.48 million in FY 2027; $2.2 million for FY 2028

Expert costs were not accurately reflected in previous years' budgets, because the costs were rising and the budgeting for them did not adapt as quickly. In those years, the agency used one-time cost savings, typically from shrinkage overage, to pay these costs. In FY 2027, shrinkage overage is lapsed, and therefore the full cost of expert witnesses must be included in the budget.

Much like assigned counsel costs, BIDS must pay the expert costs that are required for effective representation. While BIDS successfully negotiates for lower rates, current jurisprudence is that if the case requires the assistance of an expert, then failure to utilize that expert will result in ineffective assistance of counsel, which can result in convictions being overturned in appellate or post-conviction proceedings, and ultimately increases the costs for the state and county governments. Further, statutory requirements for providing specific types of experts in certain proceedings increases costs. The increased use of expert witnesses and expert services by prosecutors also fuels the increase, as defense attorneys must investigate and respond to testimony or evidence provided by each prosecution witness.

Additionally, the use of private investigators increases our expert costs. Defense attorneys are ethically required to investigate cases, but our public defender offices are understaffed and many of our offices have too few investigative staff and rely on the additional support of private investigators who cost more per hour than in-house investigators. Further, because our public defender offices are understaffed overall, 2/3 of all indigent criminal cases go to private counsel, who often have no investigative staff whatsoever, and rely entirely on private investigators to assist them with cases. Increased investments in the staffing of our public defender offices would help to reduce the reliance on private counsel and private investigators.

BIDS has found savings to cover a significant percentage of the expert funding needed, but the remaining amount is in this enhancement. In FY 2027, BIDS was approved for $1.9 million in expert costs and has additional savings to bring the base budget for expert costs to $4.0 million in FY 2027. BIDS approached FY 2028 similarly and provided a significant amount of the needed amount in the base budget. All costs are contractual services.

	FY 2027 Total Projected Expert Costs	Expert Costs in FY 2027 Base Budget	FY 2027 Estimated Increase	FY 2028 Total Projected Expert Costs	Expert Costs in FY 2028 Base Budget	FY 2028 Estimated Increase
Expert Witness (Assigned Counsel)	$2,560,000	$1,726,947	$833,053	$2,560,000	$1,427,273	$1,132,727
Expert Witness (Trial)	$935,000	$630,740	$304,260	$935,000	$521,289	$413,711
Expert Witness (Capital Defense)	$2,005,000	$1,658,082	$346,918	$2,005,000	$1,351,117	$653,883
Total	$5,500,000	$4,015,769	**$1,484,231**	$5,500,000	$3,299,679	**$2,200,321**

Enhancement Package #2 – Children's Representation Pilot Project - $694,756 for FY 2028 and 7.0 FTE

BIDS requests funding and authorization, in the form of a proviso, to pilot the Children's Representation Project. This project would reside within a current BIDS office to minimize overhead costs. FY 2028 would be the first year of a pilot designed to last two years.

The need for a Children's Representation Pilot was brought to BIDS' attention by members of a statewide workgroup of youth defense stakeholders. An assessment of youth defense in Kansas, first published in 2020 with an update in 2025, found that youth defense services in Kansas were not meeting constitutional standards in a significant number of cases. The assessment recommended the following: (1) a strong, state-supported youth defense system, (2) statewide standards for and oversight of youth defenders, (3) system and policy changes to ensure youth have access to attorneys at all stages of the court process, from interrogation through post-disposition and appeals.

The assessment found that Kansas was one of only four states without a salaried public defense system for children and youth in some part of the state. For qualifying children and youth in Kansas, felony defense is funded by county commissions rather than the State Legislature. Compensation varies by county and in many cases is much lower than the rates paid by BIDS to assigned counsel, thus reducing the pool of attorneys who are willing to represent children and youth, and contributing to the lack of quality defense services for children and youth in many judicial districts across the state.

This project would include three attorneys, one special investigator, one mitigation specialist, one legal assistant, and one administrative specialist. It would also include costs for training, experts, transcripts, and other overhead (Westlaw legal research, software licenses, computer equipment, etc.). We have specifically located the pilot project within an already existing public defender office in order to reduce overhead costs as much as possible.

Proposed proviso:
Because BIDS' statutes and regulations do not currently allow the agency to use state funds to represent children under 18, proviso language will be needed to allow BIDS to operate a pilot program to represent children and youth "in cases filed pursuant to the Kansas Juvenile Justice Code, K.S.A. 38-2301 et seq." BIDS plans to work with legislative staff to craft the specific language of the proviso.

Enhancement Package #3 – Attorney Positions for Graduating Students Who Completed BIDS Internships - $76,730 in FY 2027 and 10.0 FTE positions; $997,437 for FY 2028 and continuation of the same 10.0 FTE positions

BIDS has provided internships for law students to learn on the job what it means to be a public defender. Our interns receive dedicated training, supervision, and highly relevant professional experience. These internships have been helpful at combating longstanding recruitment and retention issues. After graduating law school, many BIDS interns accept full-time attorney positions upon obtaining a law license. Our internship program is the most successful recruiting program that we operate. Because we have consistently hired a cohort of new attorneys out of our internship program, we are able to predict how many FTEs we will need to cover the number of interns who will be ready to hire into the agency when they graduate. However, if there are no existing attorney positions to offer them, then the time, effort, and resources the agency invests developing these students' talents will go elsewhere, often to public defender agencies in other states.

All costs are salaries and wages. Positions are budgeted to begin in May 2027 (date of graduation from law school) for two pay periods and continue thereafter. FY 2028 does not represent any additional positions above the 10.0 requested in FY 2027.

Post-Internship Attorney Positions	FY 2027	FY 2028
PD I Salaries (Beginning May 2027)	$76,730	$997,437
FTE	10.0	10.0 *(continuation of same positions)*

Enhancement Package #4 – HB 2444 Costs - $811,790 in FY 2027; $811,790 for FY 2028

The 2026 Legislature passed HB 2444, which in part mandated prison sentences for certain offenders who commit a new felony while on felony supervision. The bill also created new requirements for consideration of certain bond requests, which in many cases has resulted in defense attorneys needing to prepare and file additional written motions and participate in additional court hearings when their clients are held on unaffordable pre-trial bonds. BIDS provided a fiscal note response to the Division of Budget and the Legislature during the session, indicating the bill would require 3 additional attorneys and 3 additional support staff to handle the anticipated increases in time spent in, and preparing for, court. The resulting cost was estimated at $811,790, though no additional funding was provided to BIDS to offset these costs. The fiscal note is excerpted here:

> *…the new Special Rule that would mandate prison sentences for certain offenders who commit a new felony while on felony supervision will significantly increase BIDS' workload across the state, for both our public defender offices and our assigned counsel program.*
>
> *BIDS' newest attorneys cannot handle higher-level cases or presumptive-prison cases, so their supervisors assign them the lower-level felony cases that are presumptive-probation cases. If HB 2444 passes, many of those lower-level felony cases which are currently presumptive probation would become presumptive or mandatory prison sentences upon conviction. Those presumptive or mandatory prison cases must be assigned to more experienced attorneys.*
>
> *Many more defendants will choose to take their case to trial if they are not able to get a plea offer to avoid prison time. Every case that goes to trial – rather than a plea agreement – requires more hours for attorney and staff time, and additional costs for trial-related experts and transcripts. Cases will take much longer to resolve, drastically cutting down the number of cases each office would be able to accept each year.*

NARRATIVE INFORMATION – DA 400

AGENCY NAME: Kansas State Board of Indigents' Defense Service
AGENCY NUMBER: 328-00 FUNCTION NO. 01
DIVISION OF THE BUDGET
STATE OF KANSAS
PROGRAM TITLE AND NUMBER: AID TO INDIGENTS DEFENSE
SUBPROGRAM TITLE AND NUMBER: AGENCY SUMMARY

While it is difficult to predict the impact of the new Special Rule, BIDS is basing its calculations on data from the Kansas Sentencing Commission's bed impact assessment for HB 2444, specifically the 116 cases with probation revocation hearings where the individual was not revoked to prison. We believe it is reasonable to assume those individuals would likely choose to take their new felony charge to trial if prison is the likely sentence for a conviction.

If BIDS has to take 116 additional cases to trial every year, those cases would either be handled by public defenders or assigned counsel.

A conservative estimate for the additional time spent in and preparing for trial is – at a minimum – 40 hours per case. BIDS would need funds to pay for at least 4,640 hours of additional work in FY 27 and subsequent years.

Assigned Counsel private appointed attorney hours will be billed at a rate of $125 dollars per hour in FY 2027. At this time, that rate is not expected to change in FY 2028.

An average public defender operates at an approximate agency cost of $83.36 per hour.

At those estimated hours (4,640) and these approximate hourly rates, HB 2444 would cost BIDS approximately $580,000.00 in FY 2027 if the cases were handled by private assigned counsel. If the cases were handled by a public defender, HB 2444 would cost BIDS approximately $386,790.00 in FY 2027 for attorney time.

Because BIDS' current caseload projections show the agency already being understaffed for existing caseloads, BIDS does anticipate that any newly charged cases under these changes would require some additional staffing in the form of additional FTEs in our public defender offices funded out of SGF for attorneys, investigators, legal assistants, and other staff.

BIDS estimates needing 6.0 FTE (3.0 attorneys and 3.0 support staff) to handle the increased caseload. The attorney costs are included in the calculation above. Support staff salaries and benefits would total approximately $225,000 per year.

Additional funding for services required by defense practice such as transcript fees, interpreters, and expert costs are expected to be generated; BIDS would need an additional $200,000-$300,000 per year for these services is HB 2444 is enacted.

ADMINISTRATION OFFICE BACKGROUND

Historical Perspective

	FY 2020 (Actual)	FY 2021 (Actual)	FY 2022 (Actual)	FY 2023 (Actual)	FY 2024 (Actual)	FY 2025 (Actual)	FY 2026 (Actual)
COST	**$829,257**	**$924,697**	**$1,264,046**	**$2,123,560**	**$3,029,767**	**$3,988,516**	**$4,188,824**
FTE	**11.8**	**11.8**	**19.2**	**30.6**	**30.6**	**30.0**	**30.0**

The administrative office fulfills the agency mission of providing the most efficient and economical defense delivery system through statewide management of both the assigned counsel and the public defender systems. The effectiveness and efficiency of the assigned counsel program are promoted through the use of contracts between the agency and assigned counsel and by regulatory requirements for continuing legal education and minimum experience levels for attorneys who accept appointments as assigned counsel. The Administration Office continues to monitor costs in both the assigned counsel program and in the public defender offices. In recent years, due to the identified additional support needs of our public defender offices and our assigned counsel program, the administrative office has been experiencing much needed growth.

The administrative office currently provides support services for the 20 public defender office locations across the state as well as all of the assigned counsel program which consists of approximately 350 individual private counsel.

The administrative office also supervises and administers our BIDS paid public defender internship program for law students and undergraduate students. Part of the increase in FTEs in the administrative office between FY 2022 and FY 2023 reflected the implementation of those paid internship positions that are filled on a rotating basis by different law students during the fall, spring, and summer sessions and are actually physically housed in our participating regional public defender offices across the state.

NARRATIVE INFORMATION – DA 400

AGENCY NAME: Kansas State Board of Indigents' Defense Service
AGENCY NUMBER: 328-00 FUNCTION NO. 01
DIVISION OF THE BUDGET
STATE OF KANSAS
PROGRAM TITLE AND NUMBER: AID TO INDIGENTS DEFENSE
SUBPROGRAM TITLE AND NUMBER: ADMINISTRATION

In support of the public defender offices and assigned counsel, the administrative office is responsible for accounts payable, accounts receivable, purchasing, contract negotiations, technology updates, expansions and support, human resources, training coordination and general administration. General administration includes responsibilities such as:
Administration provides statewide Human Resources support.

Administration handles all general counsel needs of the agency, including responding to KORA requests, statutory and regulatory compliance, contracts, and policies and procedures.

Administration writes and updates agency regulations, and completes the regulation approval and public hearing process.

Administration is in frequent contact with chief judges and district court clerks around the state in an effort to ensure that BIDS is providing sufficient attorney coverage to all areas of the state.

Administration requests new legislation, or changes in legislation, to enable the agency to carry out its statutory mission.

Administration conducts in-house continuing legal education (CLE) programs whereby public defenders and assigned counsel can receive the required training for attorney licensing at no cost to public defenders and low cost to assigned counsel.

Administration secures training for public defenders through ITAP, and NITA, NACDL, NAPD, NCDC, and NLADA as well as other programs.

Administration provides statewide IT support.

Administration implements new policy or programmatic changes across statewide offices.

Administration handles all statewide leasing and janitorial contracts.

Administration regularly attends and participates in a variety of local and state committees, programs, listening sessions, and public conversations about the role of public defense in our criminal legal system.

State Director

The State Director serves as the Chief Executive Officer for the agency. (K.S.A. 22-4525)
The duties of the State Director are defined by K.S.A. 22-4525 as follows: "The state director of indigents' defense services shall be chief executive officer of the state board of indigents' defense services. In addition, thereto, the director shall: (a) supervise the operation, policies and procedures of the office of the board; (b) prepare and submit to the board an annual report of the operation of the office in such form as the board directs; and (c) perform such other duties as the board requires." The Executive Director is responsible for overall supervision, agency planning, and providing the most current and accurate information regarding the agency to Board members, the Governor's Budget Division, the Legislative Research Department, legislative subcommittees, all levels of the Executive Branch, and employees throughout the agency.

In addition, the State Director provides administrative supervision and support to contract counsel and assigned counsel by initiating and overseeing contracts with private attorneys, reviewing and authorizing payment for assigned counsel and expert services and updating Board policies. The State Director directly supervises the Assistant Director, Chief Counsel, Human Resources Director, Training Director, Special Projects Director, and the Chief Defenders of all the agency's public defender offices.

Chief Fiscal Officer

The Chief Fiscal Officer for the agency oversees the Accounting and IT departments. The CFO also directs fiscal operating functions of the agency, including but not limited to audit compliance, agency purchases, lease management activities, payroll backup, COOP plan involvement, serving as program manager for the trial offices, responsible for administering the preparation of all agency financial data, preparation and entry of budget data, and assisting the Director with the preparation of the annual budget narrative.

Legal Section

The Legal Section of the BIDS Administrative office is responsible for all major legal questions and issues that come before the Board or involve the Board as and assigned counsel panel recruitment. The Legal Section also works closely with the Executive Director and Human Resources on employment law issues as needed. The Legal Section also responds to Open Records Act requests, coordinates responses to client inquiries and complaints regarding

assigned defense counsel, and assists with locating experts and other legal resources for our public defenders and assigned counsel. The Legal Section currently consists of the agency's General Counsel, Deputy General Counsel, the Assigned Counsel/Experts Coordinating Counsel, and a Procurement Officer.

Training Section

The Training Section of BIDS is responsible for training all BIDS employees and providing training to assigned counsel on a wide variety of topics including, but not limited to, new attorney trial skills, ethics, leadership training, specialized investigator and mitigation specialist training, continuing legal education on a variety of topics, basic employment rules and regulations training in conjunction with the Personnel Section, Capital Defense continuing legal education, as well as legislative and case law updates. The Training Section consists of our Training Director, Assistant Training Director, and an administrative specialist.

Special Projects Section

The Special Projects Section is responsible for the development and deployment of statewide programs to improve public defense practice and quality of services. The Section is responsible for developing and administering the BIDS statewide internship program aimed at pairing interested law students, and potential criminal justice-oriented college and graduate students with appropriate learning opportunities within BIDS while providing additional needed assistance to our capital, trial, and appellate public defender offices. The Special Projects Section leads attorney recruitment efforts, in conjunction with the Personnel Section. The Special Projects team leads agency data analysis, evaluation, and research. Our Special Projects Section is led by the Director of Special Projects, and includes a Data and Statistics Analyst, a Special Projects Staff Attorney, and a rotating group of temporary interns.

Personnel Section

The Personnel Section of BIDS is responsible for all major personnel functions and activities related to human resource management such as employee relations, benefits, FLSA, ADA, FMLA, Shared Leave Program, Affirmative Action/Equal Employment Opportunity, employment, recruitment/orientation/exit interview, training, timekeeping, maintaining position organizational charts, and SHARP.

The HR unit continually initiates changes and updates to the Employee Handbook, Personnel Handbook, and New Employee state-wide Orientation Training due to regulation changes. The HR unit assists with communication with the Division of Personnel Services related to compensation and other issues. The agency continues to increase the use of technology by using the automation of the State Self-Serve web page for employees to view personal information, training summary, leave balances, paychecks, updating W-4 tax information, and requesting the reissue of W-2 forms. For many years, technology has been used for open enrollment changes and to view total compensation.

Accounting Section

The Accounting Section is directly supervised by the CFO and consists of 7 Accountant employees ranging from I-III and an Accounting Manager. The Accounting Section is responsible for the auditing, collection of supporting documentation, and processing of all agency payments in accordance with state and Board policies, regulations, and statutes. This includes operating expenses for all field offices, assigned counsel, experts, transcriptionists and contract attorneys. This section is also responsible for the monitoring and processing of defendant recoupment payments submitted by the District Courts. These recoupment funds are a pass-through to the State Treasurer for deposit into the state general fund; they are not agency funds. This section supports the CFO by coordinating large purchases, office moves, travel requests, and other projects that would affect the goals of the Public Defender program.

Information Technology Section

The Information Technology Section provides planning, design, procurement, implementation, training, and support of the agency's information resources including computer equipment, LAN/WAN connections, VPN, applications and telecommunications. With the use of statewide WAN connections and TCP/IP remote connections in smaller outlying offices, the agency is positioned to provide information services, demographics, and statistical data to its internal and external customers. The CFO oversees the IT section and together with the Director they develop the Three-Year Information Technology Strategic Plan and other objectives for the department. The four FTEs in the IT Section are comprised of one Technology Support Consultant III, who serves as the department team lead, one Technology Support Consultant II, and two Technology Support Consultant I positions.

ADMINISTRATION OFFICE PROGRAM

MISSION: To provide administrative supervision, technical support, and coordination of state resources to support the delivery of indigents' defense services across the state of Kansas. Through teamwork, communication and cooperation, the Administration Office strives to continually improve assistance to the board, public defenders, and assigned counsel.

PHILOSOPHY: The Administration Office of the State Board of Indigents' Defense Services must monitor, analyze and report the activities of our agency and social factors that affect it in order to aid the decisions of government policymakers. We shall strive to support the delivery of excellent services by those who directly serve the indigent client.

OBJECTIVE #1:

Monitor statewide costs per case while maintaining quality service to clients.

Strategies for Objective #1:

1. Review and analyze defense delivery cost for all counties in the state.
2. Explore alternative defense delivery options where cost-effective.
3. Implement viable cost-saving defense delivery programs including contracts with individual attorneys and exercise statutory authority to prorate cost per case.

Performance Measures for Objective #1:

NARRATIVE INFORMATION – DA 400

AGENCY NAME: Kansas State Board of Indigents' Defense Service
AGENCY NUMBER: 328-00 FUNCTION NO. 01
DIVISION OF THE BUDGET
STATE OF KANSAS
PROGRAM TITLE AND NUMBER: AID TO INDIGENTS DEFENSE
SUBPROGRAM TITLE AND NUMBER: ADMINISTRATION

OUTCOME MEASURES:

	FY 2020 (Actual)	FY 2021 (Actual)	FY 2022 (Actual)	FY 2023 (Actual)	FY 2024 (Actual)	FY 2025 (Actual)	FY 2026 (Actual)	FY 2027 (Current Year)	FY 2028 (Out Year)
Maintain level of dollars saved by audit procedures.	$234,185	$291,488	$404,353	$672,612	$553,612	$485,082	$381,803	$400,000	$400,000
Monitor increase in average cost per case for attorney services.	$993	$898	$1,062	$1,328	$1,524	*	*	*	*

**Due to the opening of three new offices, the rise in assigned counsel expert costs, and BIDS' transition to a new case management and data tracking system, cost-per-case calculations are being reviewed to identify how best to compare assigned counsel costs one-to-one against public defenders.*

OUTPUT MEASURES:

	FY 2020 (Actual)	FY 2021 (Actual)	FY 2022 (Actual)	FY 2023 (Actual)	FY 2024 (Actual)	FY 2025 (Actual)	FY 2026 (Actual)	FY 2027 (Current Year)	FY 2028 (Out Year)
Number of Judicial Districts Reviewed for cost-effective delivery of defense services	31	31	31	31	31	31	31	31	31
Number of counties covered by assigned counsel contracts/agreements	39	19	17	17	29	27	32	32	32
Number of agency CLE programs offered to assigned counsel attorneys.	2	2	10	51	50	51	41	60	60

OBJECTIVE 2:

To monitor the caseload and performance of public defenders in all divisions.

Strategies for Objective #2:

1. Perform quarterly case count download from all offices.
2. Confer with chief defenders regarding case assignment on a continuing basis.
3. Confer with the court regarding assignment of public defenders outside their regular geographic areas.
4. Review decisions by the Kansas Supreme Court for any attorney ethics violations by public defenders.
5. Perform annual review of individual attorney caseload.

Performance Measures for Objective #2

OUTCOME MEASURES:

	FY 2020 (Actual)	FY 2021 (Actual)	FY 2022 (Actual)	FY 2023 (Actual)	FY 2024 (Actual)	FY 2025 (Actual)	FY 2026 (Actual)	FY 2027 (Current Year)	FY 2028 (Out Year)
Prevent ineffective assistance of counsel due to caseload overload.	All Offices	All Offices	All Offices	All Offices	All Offices	All Offices	All Offices	All Offices	All Offices
Maintain standard of excellence on in legal services with a zero tolerance of ethics violations during casework.	No Violations	No Violations	No Violations	No Violations	1 report	No Violations	No Violations	No Violations	No Violations

NARRATIVE INFORMATION – DA 400

AGENCY NAME: Kansas State Board of Indigents' Defense Service
AGENCY NUMBER: 328-00 FUNCTION NO. 01
DIVISION OF THE BUDGET
STATE OF KANSAS
PROGRAM TITLE AND NUMBER: AID TO INDIGENTS DEFENSE
SUBPROGRAM TITLE AND NUMBER: ADMINISTRATION

OUTPUT MEASURES:

	FY 2020 (Actual)	FY 2021 (Actual)	FY 2022 (Actual)	FY 2023 (Actual)	FY 2024 (Actual)	FY 2025 (Actual)	FY 2026 (Actual)	FY 2027 (Current Year)	FY 2028 (Out Year)
Number of in-house attorney trainings & CLEs	2	3	24	59	70	51	96.5	75	75
Approximate number of contacts with Chief Defenders regarding caseloads	35	33	48	60	41	45	40	40	40
Approximate number of contacts with Court regarding assignment of public defenders to other jurisdictions.	20	18	10	5	6	*Exact number not known	*None known	0	0

** These contacts were more frequent before BIDS hired a full-time Assigned Counsel and Experts Coordinator to help courts connect with attorneys available for appointments.*

OBJECTIVE #3:

Minimize increase in cost of expert services while maintaining quality defense services.

Strategies for Objective #3:

1. Continue updating the compilation of experts who will work for reduced rates.
2. Pursue agreements with experts to provide indigent forensic services at reduced rates.
3. Continue to revise orders and instructions for expert service to provide better guidance to assigned counsel in obtaining expert services.
4. Continue to communicate agency regulations and policies to assigned counsel both online and through telephone contact.

5. Continue to provide administrative review of expert service requests and claims.
6. Initiate paperless processing of expert service requests from public defenders.

Performance Measures for Objective #3

OUTCOME MEASURES:

	FY 2020 (Actual)	FY 2021 (Actual)	FY 2022 (Actual)	FY 2023 (Actual)	FY 2024 (Actual)	FY 2025 (Actual)	FY 2026 (Actual)	FY 2027 (Current Year)	FY 2028 (Out Year)
Estimated number of experts agreeing to work at reduced rates.	64	65	67	67	68	70	69	73	73

OUTPUT MEASURES:

	FY 2020 (Actual)	FY 2021 (Actual)	FY 2022 (Actual)	FY 2023 (Actual)	FY 2024 (Actual)	FY 2025 (Actual)	FY 2026 (Actual)	FY 2027 (Current Year)	FY 2028 (Out Year)
Estimated number of contacts/ communication with assigned counsel/ court regarding expert service approval and clarifications.	1010	1300	1500	2000	2600	2800	2730	2800	2800

NARRATIVE INFORMATION – DA 400

DIVISION OF THE BUDGET
STATE OF KANSAS

AGENCY NAME: Kansas State Board of Indigents' Defense Service
AGENCY NUMBER: 328-00 FUNCTION NO. 01
PROGRAM TITLE AND NUMBER: AID TO INDIGENTS DEFENSE
SUBPROGRAM TITLE AND NUMBER: ADMINISTRATION

EXPENDITURE JUSTIFICATION:

Salaries and Wages:

Current Year FY 2027: $3,263,662

Agencywide shrinkage is budgeted at 9.0%. Benefit amounts are based on cost indices. No overtime expenses are included.

Budget Year FY 2028: $3,434,534

This estimate maintains current staff. Agencywide shrinkage is budgeted at 9.0%. Benefit amounts are based on cost indices. No overtime expenses are included. Costs increase for FY 2028 due to the 27th pay period.

Contractual Services:

Current Year FY 2027: $1,071,004

This estimate includes the cost of leasing rental vehicles, personal vehicle usage, and costs related to the agency training program. The largest costs are building rent, software licenses like a case management system, training costs, and the monumental building surcharge.

While there are changes within categories, this budget generally reflects the approved amount for FY 2027, with some adjustments:

- Computer software has decreased by $100,734 due to creating internal efficiencies with the agency case management system allowing a contract to be terminated. This net amount also includes additions for Office 365 and Adobe licenses.
- A decrease of $20,000 for conference registration to reflect actual expenses after the agency expended effort to identify cost savings in this area.
- An addition of $3,000 for APBS (the state accounting system) costs that have been apportioned to the agency.
- An addition of $1,500 to add a copier to the training office.

Budget Year FY 2028: $1,083,268

Contractual service budgeted costs increase by $12,264, or 1.1%, for FY 2028. This increase is attributable to increases in case management system costs.

Commodities:

Commodities primarily include office supplies, printer supplies, and gasoline. This also includes miscellaneous IT purchases (replacement drive, memory) needed to maintain existing workstations and servers, as well as other professional supplies such as external hard drives.

Current Year FY 2027: $27,950

The budgeted amount is unchanged from the approved amount.

Budget Year FY 2028: $27,950

The budgeted amount is unchanged from the FY 2027 budgeted amount.

Capital Outlay:

Capital outlay costs include most IT equipment such as computers, printers, and telecommunications hardware. This category also includes furniture.

Current Year FY 2027: $84,050

The budgeted amount is unchanged from the approved amount.

Budget Year FY 2027: $84,050

The budgeted amount is unchanged from the FY 2027 budgeted amount.

ASSIGNED COUNSEL

The 6th Amendment to the U. S. Constitution provides every person with a right to adequate and effective representation when charged with a crime punishable by imprisonment. State statutes (K.S.A. 22-4501, et seq.) also mandate state-funded representation when a person who has been charged with a felony is determined to be indigent. The two primary systems for delivering these constitutionally guaranteed services in Kansas are the public defender system and the assigned counsel program.

The assigned counsel system of providing indigent felony defense is used in geographic areas where it is not cost-effective to open a public defender office and in cases where the public defenders are unable to provide defense services because they have a conflict of interest or are otherwise unavailable due to caseloads. Historically, the cost per case is often lower when a case is handled by public defenders. Initially, assigned counsel were paid at the rate of $35 per hour and acceptance of court appointments was considered a professional duty for many years. The Kansas Supreme Court decision in *Stephan v. Smith* determined that participation as assigned counsel is voluntary. In response to that case decision, the Board increased the hourly rate for assigned counsel to $50 per hour. In the 2006 legislative session, the payment rate became statutory at $80 per hour.

In response to FY 2010 budget cuts, the Board exercised its statutory authority to reduce the hourly rate paid to assigned counsel to meet assigned counsel appropriations. The hourly rate was reduced 22% from $80 per hour to $62 per hour effective for all work performed on and after January 18, 2010. The Board provided a slight increase in the hourly rate, after a public hearing, from $62/hour to $65/hour for FY 2016 and increased the hourly rate, after a public hearing, to $70/hour for FY 2017 and for FY 2018. For FY 2019, the Board increased the hourly rate, after a public hearing, to $75/hour. At its June 2019, meeting, the Board of Indigents' Defense Services allowed the statutory hourly rate for assigned counsel to be restored to $80 per hour.

In 2021, due to concerns about assigned counsel leaving appointment lists due to low pay and high caseloads, the Legislature allotted and the Governor approved funding and a temporary budget proviso to allow BIDS to pay assigned counsel at a $100 per hour rate beginning July 1, 2021. Again, due to concerns that more assigned counsel were needed for panels, in FY 2022, the Legislature again allotted and the Governor approved funding and a temporary budget proviso to allow BIDS to pay assigned counsel at $120 per hour rate, beginning July 1, 2022. With continued funding to support a $120 per hour rate, the Legislature included additional budget proviso language to allow BIDS to continue paying $120 per hour

through FY 2025. During the 2024 legislative session, the assigned counsel hourly rate was increased to a minimum of $120 with the ability to go as high as $140 per hour. During FY 2024 and FY 2025, that rate was approved by the Board and funded by the legislature at $120 per hour. The 2025 legislative session provided authorization to fund assigned counsel at $125/hour, but since caseload consensus estimates were not included in the FY 2026 budget, the Board has held the rate to $120/hour until such time as funds are provided for assigned counsel caseloads. The 2026 Legislature provided funding for increasing the assigned counsel rate to $125/hour which began on July 1, 2026.

During the 2015 Legislative session, based on recommendations by the Division of the Budget and the Governor's office, a State General Fund "Litigation Support" account was created for the assigned counsel consensus funding in order to give the agency the flexibility to operate in the most efficient manner to respond to case filings.

PROGRAM GOAL I: Effectively Manage Program Expenditures.

OBJECTIVE #1:

Manage the average annual cost of assigned counsel expenditures.

Strategies for Objective #1:

1. Negotiate contracts with private counsel to handle conflict cases where public defender offices are located and negotiate volume contracts in other regions.
2. Continue to refine internal audit procedures of assigned counsel claims.
3. Collect data on numbers and costs of assigned counsel cases.
4. Exercise statutory authority to prorate fees when necessary.
5. Offer agency criminal defense CLE training to panel attorneys to assist them in maintaining their expertise, thereby effecting a reduction in down the line costs of retrial, resentencing, and ineffective assistance of counsel claims.
6. Review the cost of indigent defense in judicial districts to determine the most cost-effective way to provide the right to counsel.

NARRATIVE INFORMATION – DA 400

AGENCY NAME: Kansas State Board of Indigents' Defense Service
AGENCY NUMBER: 328-00 FUNCTION NO. 01
DIVISION OF THE BUDGET
STATE OF KANSAS
PROGRAM TITLE AND NUMBER: AID TO INDIGENTS DEFENSE
SUBPROGRAM TITLE AND NUMBER: ASSIGNED COUNSEL & LITIGATION SUPPORT

Performance Measures for Objective #1

OUTCOME MEASURES:

	FY 2020 (Actual)	FY 2021 (Actual)	FY 2022 (Actual)	FY 2023 (Actual)	FY 2024 (Actual)	FY 2025 (Actual)	FY 2026 (Actual)	FY 2027 (Current Year)	FY 2028 (Out Year)
Maintain level of dollars saved by audit procedures.	$234,185	$291,488	$404,353	$672,612	$553,612	$485,082	$381,803	$400,000	$400,000
Monitor increase in average cost per case for attorney services.	$993	$898	$1,062	$1,328	$1,524	*	*	*	*

**Due to the opening of three new offices, the rise in assigned counsel expert costs, and BIDS' transition to a new case management and data tracking system, cost-per-case calculations are being reviewed to identify how best to compare assigned counsel costs one-to-one against public defenders.*

OUTPUT MEASURES:

	FY 2020 (Actual)	FY 2021 (Actual)	FY 2022 (Actual)	FY 2023 (Actual)	FY 2024 (Actual)	FY 2025 (Actual)	FY 2026 (Actual)	FY 2027 (Current Year)	FY 2028 (Out Year)
Number of Judicial Districts Reviewed for cost-effective delivery of defense services	31	31	31	31	31	31	31	31	31
Number of counties covered by assigned counsel contracts/agreements	39	19	17	17	29	27	32	32	32

Number of agency CLE programs offered to assigned counsel attorneys.	2	2	10	51	50	51	41	60	60

Account Code 527000 - Fees-Professional Services:

The current statutory rate is a minimum of $120 per hour and a maximum of $140 per hour. Currently, the BIDS Board has approved and the legislature has funded the assigned counsel rate at $125 per hour.

Calculating the FY 2027 and FY 2028 Assigned Counsel Caseload and Costs

In October 2025, the Caseload Consensus Group projected assigned counsel expenditures for FY 2027 to be $31,500,000.

The use of contracts in public defender districts to hold down costs of conflict cases has greatly helped control expenditures for assigned counsel. The agency has initiated a system of tracking costs by case type in order to better project caseload costs. We continue to find that the high numbers of low-cost cases such as probation violations have artificially reduced the overall average cost per case for assigned counsel.

Current Year FY 2027: $31,906,947

Attorneys - $30,000,000
Court Reporters - $180,000
Experts - $1,726,947

Budget Year FY 2028: $32,107,273

Attorneys - $30,500,000
Court Reporters - $180,000
Experts - $1,427,273

LEGAL SERVICES FOR PRISONERS

Legal Services for Prisoners, Inc. is a non-profit corporation organized under the laws of the State of Kansas for the purpose of providing legal assistance to indigent incarcerated residents of Kansas correctional institutions. K.S.A. 22-4514(a) authorizes the corporation to submit its annual operating budget to the State Board of Indigents' Defense Services.

PROGRAM GOAL:

The program operates for the purpose of ensuring that the state meets its constitutional obligation to provide indigent incarcerated residents of KDOC with meaningful access to courts to pursue non-frivolous legal claims.

OBJECTIVE #1:

To identify and assist those incarcerated residents with real legal problems concerning the validity of convictions and sentences, civil rights and conditions of confinement.

Strategies for Objective #1:

1. To make the availability of services known through the cooperation of the Department of Corrections.
2. To provide standardized forms for applying for assistance.
3. To provide for the review of their requests by licensed attorneys.

OBJECTIVE #2:

To discourage frivolous and unsubstantial litigation.

Strategies for Objective #2:

1. To resolve at the lowest administrative level complaints and grievances that would otherwise burden correctional officers and the courts.
2. To advise incarcerated residents with legal questions of the viability of their legal claim.
3. To discourage filing in court claims without a substantial legal basis and where appropriate, refer incarcerated residents to agencies that may assist in solving complaints administratively and without litigation.

OBJECTIVE #3:

To assist state courts and the Board of Indigents' Defense Services.

Strategies for Objective #3:

1. To provide appropriate preparation of, and representation in, habeas corpus and post-conviction motions that would otherwise require the appointment of private counsel.

OBJECTIVE #4:

To assist incarcerated residents in successfully completing their sentences, parole and post release supervision. Those whose legal problems are taken care of prior to their release are more apt to successfully complete their term of parole or post release supervision.

Strategies for Objective #4:

1. To identify and solve legal problems and complete legal procedures prior to the resident's release from custody.

NARRATIVE INFORMATION – DA 400

AGENCY NAME: Kansas State Board of Indigents' Defense Service
AGENCY NUMBER: 328-00 FUNCTION NO. 01
DIVISION OF THE BUDGET
STATE OF KANSAS
PROGRAM TITLE AND NUMBER: AID TO INDIGENTS DEFENSE
SUBPROGRAM TITLE AND NUMBER: ASSIGNED COUNSEL & LITIGATION SUPPORT

PERFORMANCE MEASURES FOR OBJECTIVES:

OUTCOME MEASURES:

CASES BY DISPOSITION

	Actual FY 2019	Actual FY 2020	Actual FY 2021	Actual FY 2022	Actual FY 2023*	Actual FY 2024	Actual FY 2025	Actual Year FY 2026
Total Cases	1,636	1,463	1,530	1,582	1,068	1,033	1,033	1,617
Total Hours	1,894	1,759	2,013	1,943	1,586	1,457	1,457	2,185
DISPOSITION: Administratively Resolved	1,220	1,042	1,058	1,039	696	836	836	1,562
Judicially Resolved	4	6	1	2	4	0	0	0
Rejected	387	376	467	522	343	197	197	55
Cases Still open	11	0	4	0	0	0	0	0

***FY 2023 reports from LSP indicated that their final FY 2023 numbers do not appear to included approximately 220 requests received by the former LSP Director but not recorded before his passing in May 2023.**

OUTPUT MEASURES:

Legal Services for Prisoners handled approximately 1,617 requests for legal assistance in FY 2026 and spent 2,185 attorney hours toward the resolution of those cases.

NARRATIVE INFORMATION – DA 400

AGENCY NAME: Kansas State Board of Indigents' Defense Service
AGENCY NUMBER: 328-00 FUNCTION NO. 01
DIVISION OF THE BUDGET
STATE OF KANSAS
PROGRAM TITLE AND NUMBER: AID TO INDIGENTS DEFENSE
SUBPROGRAM TITLE AND NUMBER: ASSIGNED COUNSEL & LITIGATION SUPPORT

DELIVERY OF SERVICES:

Currently, Legal Services for Prisoners consists of a staff of three (3) Attorneys and one (1) Administrative Assistant. Legal Services for Prisoners maintains an office in Topeka for inmates at the Topeka Correctional Facility and in the El Dorado Correctional Facility. Legal Services for Prisoners also provides assistance by mail only to incarcerated residents at the correctional facilities located in Lansing Correctional Facility (LCF), Hutchinson (HCF), Ellsworth (ECF), Norton (NCF), Winfield (WCF), Larned (LCMHF) and the Wichita Work Release Center (WWRC), plus KDOC inmates housed in local jails and out of state, as well as parolees. In providing legal assistance, Legal Services for Prisoners receives some assistance each year from law students participating in the clinical program at the University of Kansas School of Law.

The corporation's unpaid, volunteer, board of directors consists of one representative from each of the two Kansas law schools and two Kansas attorneys.

LSP serves a critical function for the Department of Corrections in part to satisfy the KDOC's obligation to provide incarcerated residents in their facilities adequate access to the courts. Without LSP, KDOC would likely also incur additional costs in order to provide this access to the courts to their residents through alternative means.

EXPLANATION OF RESOURCE ESTIMATES:

By statute, Legal Services for Prisoners receives a lump sum appropriation for its operation.

Current Year FY 2027: $400,900

Budget Year FY 2028: $400,900

EXPENDITURE JUSTIFICATION:

NARRATIVE INFORMATION – DA 400

DIVISION OF THE BUDGET
STATE OF KANSAS

AGENCY NAME: Kansas State Board of Indigents' Defense Service
AGENCY NUMBER: 328-00 FUNCTION NO. 01
PROGRAM TITLE AND NUMBER: AID TO INDIGENTS DEFENSE
SUBPROGRAM TITLE AND NUMBER: ASSIGNED COUNSEL & LITIGATION SUPPORT

Salaries and Wages:

Workers' Compensation, Health Insurance and Unemployment Taxes: As a very small, private corporation, Legal Services for Prisoners, Inc. is required to pay higher rates than the State of Kansas in these areas and the rates specified by the Division of Budget cannot be used. LSP is under private contract in each of these areas, the state rates do not apply, and the rates continue to rise annually, particularly in the area of workers' compensation and health insurance.

Current Year FY 2027: $360,000

Budget Year FY 2028: $360,000

Contractual Services, Commodities, Capital Outlay

Legal Services for Prisoners, Inc. is a private corporation and must pay commercial telephone rates as well as all equipment costs and internet service at several offices. Postage and mailing expenses are also included in this category. Contractual Services also include LSP's professional liability insurance, which is essential to the organization and the fee for LSP's independent audit as required by K.S.A. 22-4514(a).

Current Year FY 2027: $40,900

Budget Year FY 2028: $40,900

APPELLATE DEFENDER OFFICE

History of the Appellate Defender

In June 1985, the Board approved the development and implementation of the Appellate Defender Office as a statewide office to represent indigent felony defendants on appeal.

In FY 1994, an appellate defense program was established in partnership with the University of Kansas School of Law whereby law students prepared direct appeal briefs under the supervision of an appellate defender. That program was discontinued in 2022 but the KU School of Law Project for Innocence now has a contract with BIDS to accept certain appeals and habeas cases under the direct supervision of attorney supervisors so that law students continue to gain important appellate experience prior to graduating law school. In FY 2005, a similar program was established in partnership with the Washburn University School of Law which still remains in effect. Washburn provides office space, equipment and student labor.

In FY 2002, the Capital Appeals and Conflicts Office and the Capital Appeals Office were established through reassignment of appellate defenders to provide appellate defense on capital murder convictions where the death penalty was issued and on other capital and capital eligible cases. Capital defense is the priority of these offices. However, both offices are available to handle conflict cases and overflow cases from the appellate defender office when their workloads allow.

In FY 2026, the Appellate Defender Office was staffed with 29 FTE, including 23 attorneys and six support staff.

NARRATIVE INFORMATION – DA 400

AGENCY NAME: Kansas State Board of Indigents' Defense Service
AGENCY NUMBER: 328-00 FUNCTION NO. 01
DIVISION OF THE BUDGET
STATE OF KANSAS
PROGRAM TITLE AND NUMBER: AID TO INDIGENTS DEFENSE
SUBPROGRAM TITLE AND NUMBER: APPELLATE DEFENDER OFFICE

Appellate Defender Office Appeals By Year

Fiscal Year	Appeals Docketed	Appeals Completed
FY 2018	1,120	1,333
FY 2019	954	1,120
FY 2020	750	981
FY 2021	704	981
FY 2022	731	843
FY 2023	817	647
FY 2024	871	761
FY 2025	1,018	1,002
FY 2026	1,026	1,026

NARRATIVE INFORMATION – DA 400

AGENCY NAME: Kansas State Board of Indigents' Defense Service
AGENCY NUMBER: 328-00 FUNCTION NO. 01
DIVISION OF THE BUDGET
STATE OF KANSAS
PROGRAM TITLE AND NUMBER: AID TO INDIGENTS DEFENSE
SUBPROGRAM TITLE AND NUMBER: APPELLATE DEFENDER OFFICE

EXPENDITURE JUSTIFICATION:

Salaries and Wages:

The appellate program remains constant at 29.0 FTE positions in FY 2027 and for FY 2028.

Current Year FY 2027: $3,095,293

The agency estimate includes a full year staffing of 29.0 FTE. Shrinkage is based on 9.0%. Benefit amounts are based on cost indices. No overtime or temporary staff expenses are included.

Budget Year FY 2028: $3,373,745

This estimate includes maintaining current staff of 29.0 FTE. Shrinkage is based on 9.0%. Benefit amounts are based on cost indices. No overtime or temporary staff expenses are included.

Contractual Services:

The largest contractual services cost in the Appellate Defender Office is court transcripts, since that is a fundamental requirement for conducting appeals ($550,000). Otherwise, the largest expenses are building rent ($79,357) and the monumental building surcharge ($26,800).

Current Year FY 2027: $729,659

Contractual services costs are unchanged from the approved amount.

Budget Year FY 2028: $729,659

Contractual services costs are unchanged from the FY 2027 budgeted amount.

Commodities:

Commodities primarily include office supplies, printer supplies, and gasoline.

Current Year FY 2027: $12,600

Commodities costs are unchanged from the approved amount.

Budget Year FY 2028: $12,600

Commodities costs are unchanged from the FY 2027 budgeted amount.

Account Code Capital Outlay:

For the Appellate Defender Office, this category generally reflects furniture or IT equipment.

Current Year FY 2027: $5,000

This cost is unchanged from the approved amount.

Budget Year FY 2028: $5,000

This cost is unchanged from the FY 2027 budgeted amount.

TRIAL LEVEL PUBLIC DEFENDER OFFICES

History of Public Defender Offices

The first two public defender offices (3rd Judicial District - Topeka, and 8th Judicial District - Junction City) were authorized and organized in FY 1972, and the third (28th Judicial District - Salina) was set up in FY 1973.

The 18th Judicial District Public Defender Office (Wichita) was created in FY 1985, although it began its phase-in during the latter part of FY 1984. On July 3, 1989, the 10th Judicial District Public Defender Office (Johnson County) began accepting indigent felony appointments. The 25th Judicial District Office (Garden City) began accepting cases in January 1994.

The 27th Judicial District Public Defender Office (Hutchinson) opened in June of 1996. The Northeast Kansas Conflicts Office began accepting cases in July of 1997, and the Southeast Kansas Public Defender Office (Chanute) began accepting cases in August of 1997, with a satellite office opened in 2005 in Independence. On July 1, 2008, the Sedgwick County Conflicts Office was opened in Wichita.

On October 1, 2023, a new public defender office opened in the 7th Judicial District, Douglas County. On August 12, 2024, a new public defender office began accepting cases in the 29th Judicial District in Wyandotte County. Most recently, BIDS opened a trial level public defender office in the 11th Judicial District (Labette, Cherokee, and Crawford Counties) which started taking cases in FY 2026.

EXPENDITURE JUSTIFICATION:

Salaries and Wages:

FTE: 186.0
The administrative office reassigns positions between trial-level offices as needed to efficiently accommodate fluctuating caseloads or recruitment needs.

Current Year FY 2027: $17,214,082

The agency estimate includes a full-year staffing of 186.0 FTE. Shrinkage is based on 9.0%. Benefit amounts are based on cost indices. No overtime expenses are included.

Budget Year FY 2028: $18,827,745

This estimate includes maintaining current staff of 186.0 FTE. Shrinkage is based on 9.0%. Benefit amounts are based on cost indices. No overtime expenses are included. The increase is due to the 27th pay period.

Contractual Services:

The largest contractual services costs for the Trial Offices program are building rent, expert witnesses, telecommunications, Westlaw, the monumental building surcharge, janitorial, lodging and travel, the state APB system for accounting, attorney registration, and utilities, among others.

Current Year FY 2027: $2,928,175

Changes from the approved budget are:
Increases

- Expert costs ($303,230)
- Building space rental due to moving the Junction City and Garden City offices to more adequate locations ($87,448)
- Cell phones for attorneys, investigators, and mitigation specialists ($71,201)
- One-time moving and construction costs for relocating the Garden City office due to an ongoing mold issue in their previous location ($55,000)

Budget Year FY 2028: $2,797,246

The FY 2028 budget request is a decrease of $130,929, or 4.5%, below the FY 2027 budgeted amount. This change is attributable to decreased expert costs due to simply not being able to budget as much in the base budget for FY 2028 due in part to the 27th pay period (-$109,451), and decreased costs because the construction costs for the Garden City office are one-time costs (-$40,000), offset slightly by increased building rent costs for the Garden City office to account for the full year's worth of the increase ($18,522).

Commodities:

The largest commodity costs for trial offices are office supplies, printer supplies, and gasoline.

Current Year FY 2027: $96,550

The commodities budget is unchanged from the approved amount.

Budget Year FY 2028: $96,550

Commodities are unchanged from the FY 2027 budget request.

Capital Outlay:

Capital outlay in the trial program typically includes furniture, some computer equipment and some telecommunications equipment.

Current Year FY 2027: $80,000

The commodities budget is unchanged from the approved amount.

Budget Year FY 2028: $80,000

Commodities are unchanged from the FY 2027 budget request.

CASELOADS BY OFFICE

Third Judicial District Public Defender Office (Topeka)

This office was one of three pilot public defender programs begun in 1972. The office currently has 13 attorneys with seven support positions assisting the office.

Historical Office Caseload Statistics

FISCAL YEAR	CASES OPENED	CASES COMPLETED
2018	1,176	1,247
2019	1,210	1,177
2020*	974	963
2021*	1,034	888
2022	751	980
2023	880	775
2024	695	839
2025	754	704
2026	857	768

*Caseloads in these years were substantially affected agency-wide by the onset of the COVID-19 global pandemic and subsequent prolonged slowdown of the Kansas Judicial System.

Salina Regional Public Defender Office

The Salina Regional Public Defender Office began defending the indigent in Saline and Ottawa counties in 1972. The office currently has five attorney FTEs and five support staff.

Historical Office Caseload Statistics

FISCAL YEAR	CASES OPENED	CASES COMPLETED
2018	1,272	1,270
2019	959	1,013
2020*	729	757
2021*	501	580
2022	386	503
2023	238	172
2024	301	291
2025	305	326
2026	278	328

*Caseloads in these years were substantially affected agency-wide by the onset of the COVID-19 global pandemic and the subsequent prolonged slowdown of the Kansas Judicial System.

North Central Regional Public Defender Office (Junction City)

The North Central Regional Public Defender Office in Junction City was formerly part of a regional office in combination with the Salina Public Defender Office. As of June 1997, the office became independent, serving the 8th and 21st Judicial Districts. The 8th Judicial District consists of Geary, Dickinson, Marion, and Morris counties. The 21st Judicial District is comprised of Riley and Clay counties. This office has eight attorneys and is supported by eight staff.

Historical Office Caseload Statistics

FISCAL YEAR	CASES OPENED	CASES COMPLETED
2018	1,435	1,360
2019	1,224	1,253
2020*	1,228	1,168
2021*	1,122	1,079
2022	896	952
2023	879	909
2024	908	924
2025	927	918
2026	633	712

*Caseloads in these years were substantially affected agency-wide by the onset of the COVID-19 global pandemic and the subsequent prolonged slowdown of the Kansas Judicial System.

Sedgwick County Public Defender Office (Wichita)

The Legislature authorized funding for the office in Sedgwick County in October 1983. The office began taking cases in June 1984. The office has thirteen attorneys and is supported by nine staff.

Historical Office Caseload Statistics

FISCAL YEAR	CASES OPENED	CASES COMPLETED
2018	4,852	4,897
2019	4,711	4,458
2020*	3,842	3,630
2021*	1,054	2,054
2022	1,454	1,399
2023	1,424	1,532
2024	1,626	1,626
2025	1,142	1,412
2026	798	808

*Caseloads during these years were substantially affected agency-wide by the onset of the COVID-19 global pandemic and the subsequent prolonged slowdown of the Kansas Judicial System.

Reno County Regional Defender Office (Hutchinson)

A satellite office in Reno County was established in FY 1997. The office became a separate regional office in FY 2001. This office is currently staffed by five attorneys and two staff members.

Historical Office Caseload Statistics

FISCAL YEAR	CASES OPENED	CASES COMPLETED
2018	1,030	1,080
2019	851	874
2020*	793	681
2021*	778	724
2022	738	745
2023	780	685
2024	713	717
2025	666	789
2026	590	633

*Caseloads in these years were substantially affected agency-wide by the onset of the COVID-19 global pandemic and the subsequent prolonged slowdown of the Kansas Judicial System.

Tenth Judicial District Public Defender Office (Olathe)

The office began accepting cases in July of 1989. The office is currently staffed by eighteen attorneys and thirteen support staff.

Historical Office Caseload Statistics

FISCAL YEAR	CASES OPENED	CASES COMPLETED
2018	2,789	2,667
2019	2,686	2,754
2020*	2,533	2,324
2021*	2,784	2,611
2022	2,230	2,306
2023	2,257	2,465
2024	2,128	2,174
2025	2,118	1,992
2026	2,291	2,138

*Caseloads in these years were substantially affected agency-wide by the onset of the COVID-19 global pandemic and the subsequent prolonged slowdown of the Kansas Judicial System.

Western Kansas Regional Public Defender Office (Garden City)

The Garden City office, established in January of 1994, serves the 25th Judicial District, which includes Finney, Kearny, Hamilton, Greeley, Wichita, and Scott counties. The staff includes two attorneys and three support staff.

Historical Office Caseload Statistics

FISCAL YEAR	CASES OPENED	CASES COMPLETED
2018	651	683
2019	423	475
2020*	357	231
2021*	365	426
2022	415	371
2023	316	379
2024	306	311
2025	173	161
2026	217	203

*Caseloads in these years were substantially affected agency-wide by the onset of the COVID-19 global pandemic and the subsequent prolonged slowdown of the Kansas Judicial System.

Southeast Kansas Public Defender Office (Chanute & Independence)

The Chanute office was established in response to a lack of local attorneys willing to represent indigent defendants and began accepting cases in September of 1997. The 31st Judicial District includes Allen, Neosho, Wilson, and Woodson counties. The office is currently staffed by four attorneys and two support staff.

Historical Office Caseload Statistics: Chanute Office

FISCAL YEAR	CASES OPENED	CASES COMPLETED
2018	594	540
2019	549	552
2020*	432	387
2021*	203	296
2022	588	414
2023	641	518
2024	276	566
2025	426	459
2026	371	393

*Caseloads in these years were substantially affected agency-wide by the onset of the COVID-19 global pandemic and the subsequent prolonged slowdown of the Kansas Judicial System.

NARRATIVE INFORMATION – DA 400

AGENCY NAME: Kansas State Board of Indigents' Defense Service
AGENCY NUMBER: 328-00 FUNCTION NO. 01
DIVISION OF THE BUDGET
STATE OF KANSAS
PROGRAM TITLE AND NUMBER: AID TO INDIGENTS DEFENSE
SUBPROGRAM TITLE AND NUMBER: TRIAL-LEVEL DEFENDER OFFICE

The Independence branch of the Southeast Kansas Public Defender Office was opened on September 1, 2004, also in response to a lack of local attorneys willing to represent indigent defendants. This office is staffed by two attorneys and one support staff and is responsible for cases in Montgomery and Chautauqua Counties.

Historical Office Caseload Statistics: Independence Satellite Office

FISCAL YEAR	CASES OPENED	CASES COMPLETED
2018	469	465
2019	364	343
2020*	226	298
2021*	97	145
2022	370	277
2023	340	297
2024	227	251
2025	108	257
2026	183	115

*Caseloads in these years were substantially affected agency-wide by the onset of the COVID-19 global pandemic and the subsequent prolonged slowdown of the Kansas Judicial System.

Northeast Kansas Conflicts Office (Topeka)

The office, located in Topeka, began accepting cases on July 1, 1997. The office was established primarily in response to the large number of conflict cases generated in Shawnee County and the relatively high costs associated with these cases. This office is currently staffed by seven attorneys and four support staff.

Historical Office Caseload Statistics

FISCAL YEAR	CASES OPENED	CASES COMPLETED
2018	564	593
2019	638	600
2020*	687	614
2021*	443	514
2022	385	472
2023	361	314
2024	394	251
2025	529	491
2026	380	351

*Caseloads in these years were substantially affected agency-wide by the onset of the COVID-19 global pandemic and the subsequent prolonged slowdown of the Kansas Judicial System.

Sedgwick County Conflict Public Defender Office (Wichita)

At the start of FY 2009, the Sedgwick County Conflict Office was opened to handle trial cases on which the public defender office has a conflict. This enables additional cases to be defended cost-effectively by public defenders and replaces a private attorney contract. This office is staffed by five attorneys and three support staff.

Historical Office Caseload Statistics

FISCAL YEAR	CASES OPENED	CASES COMPLETED
2018	481	516
2019	573	508
2020*	479	404
2021*	335	386
2022	381	387
2023	496	461
2024	394	446
2025	293	366
2026	216	237

*Caseloads in these years were substantially affected agency-wide by the onset of the COVID-19 global pandemic and the subsequent prolonged slowdown of the Kansas Judicial System.

7th Judicial District Public Defender (Lawrence)

On October 1, 2023, the 7th Judicial District Public Defender Office was opened to handle trial cases in Douglas County, Kansas. This office currently has eight attorneys who are supported by six staff.

Historical Office Caseload Statistics

FISCAL YEAR	CASES OPENED	CASES COMPLETED
2024*	351	158
2025	454	418
2026	460	320

*Caseloads in this year were substantially affected by the fact that this new office opened during the second quarter of the fiscal year.

29th Judicial District Public Defender (Kansas City)

On August 12, 2024, the 29th Judicial District Public Defender Office was opened to handle trial cases in Wyandotte County, Kansas. This office currently has eight attorneys who are supported by nine staff.

Historical Office Caseload Statistics

FISCAL YEAR	CASES OPENED	CASES COMPLETED
2025*	495	257
2026	630	604

*Caseload totals in this year were substantially affected by the fact that this new office accepted limited caseloads while staffing the office for part of FY 2025.

11th Judicial District Public Defender (Pittsburg)

In the fall of 2025, the 11th Judicial District Public Defender Office was opened to handle trial cases in Crawford, Cherokee, and Labette counties. This office currently has five attorneys who are supported by four staff.

Historical Office Caseload Statistics

FISCAL YEAR	CASES OPENED	CASES COMPLETED
2026*	156	59

*Caseloads in this year were substantially affected by the fact that this new office opened during the second quarter of the fiscal year.

DEATH PENALTY DEFENSE

History of Death Penalty Defense

The death penalty was previously outlawed in Kansas between 1907-1935, and between 1972 and 1994. Although the death penalty was brought back in 1994, there has not been an execution the entire time that the 1994 law has been in place. The last execution in Kansas occurred in 1965.

The Board of Indigents' Defense Services established the Capital Defense Coordinator Office in FY 1995 in response to the 1994 enactment of the death penalty. The Board transferred its most experienced attorney to the office and authorized a temporary Office Assistant I to assist. In FY 1996 the office expanded and its name was changed to the Death Penalty Defense Unit to more accurately reflect its mission to defend potential death penalty cases statewide.

All representation in capital cases must meet standards mandated by the American Bar Association Guidelines for the Appointment and Performance of Defense Counsel in Death Penalty Cases.

Capital Appeals Offices

In FY 2002, the Capital Appeals and Conflicts Office and the Capital Appellate Defender Office were established through reassignment of appellate defenders to provide appellate defense on capital murder convictions where the death penalty was issued and on other capital and capital-eligible cases.

Capital Habeas Defender Office

In FY 2015, the State Habeas office was established to prepare for the next stage of death penalty defense after a death sentence is upheld by the Kansas Supreme Court and any petition for certiorari has been unsuccessful for the defense.

EXPENDITURE JUSTIFICATION:

NARRATIVE INFORMATION – DA 400

AGENCY NAME: Kansas State Board of Indigents' Defense Service
AGENCY NUMBER: 328-00 FUNCTION NO. 01
DIVISION OF THE BUDGET
STATE OF KANSAS
PROGRAM TITLE AND NUMBER: AID TO INDIGENTS DEFENSE
SUBPROGRAM TITLE AND NUMBER: DEATH PENALTY DEFENSE OFFICES

Salaries and Wages:
FTE: 39

These offices are staffed by a Chief Defender, multiple capital public defenders, mitigation specialists, investigators, legal assistants, and administrative specialists, depending on their case needs. When necessary, capital-qualified trial office public defenders may be assigned to defend capital cases when conflicts arise to ease the reliance on private attorneys. The funding source for salaries is then adjusted according to the percentage of time spent on capital defense and the time spent on non-capital cases.

Current Year FY 2027: $4,196,072

The agency estimate includes a full-year staffing of 39 FTE. Shrinkage is based on 9.0%. Benefit amounts are based on cost indices. No overtime expenses are included.

Budget Year FY 2028: $4,414,864

The agency estimate includes a full-year staffing of 39 FTE. Shrinkage is based on 9.0%. Benefit amounts are based on cost indices. No overtime expenses are included. The salary increase is attributable to the 27th pay period.

Contractual Services:

The largest contractual services expenses are building rent, contracted assigned counsel, Westlaw legal research, parking, travel, the monumental building surcharge, transcripts, telecommunications, and internet.

Current Year FY 2027: $3,016,493

The FY 2027 budget request represents an increase of $1.4 million, or 82.2%, above the approved amount. The majority of this increase is due to funding a significant amount of the expert cost gap within the base budget, an increase of $1.1 million. The remainder of the increase is attributable to increased costs for contracting capital defense case representation ($344,000), though cell phones for attorneys, investigators, and mitigation specialists are also a part of this budget ($11,547) as well as adjusting internet costs to match actual expenses ($8,000).

NARRATIVE INFORMATION – DA 400

AGENCY NAME: Kansas State Board of Indigents' Defense Service
AGENCY NUMBER: 328-00 FUNCTION NO. 01
DIVISION OF THE BUDGET
STATE OF KANSAS
PROGRAM TITLE AND NUMBER: AID TO INDIGENTS DEFENSE
SUBPROGRAM TITLE AND NUMBER: DEATH PENALTY DEFENSE OFFICES

Budget Year FY 2028: $2,713,528

The FY 2028 budget request is a decrease of $302,965, or 10.0%, below the FY 2027 request. This decrease is virtually entirely due to decreased ability to absorb expert costs in the base budget for FY 2028 (-$306,965), offset slightly by increased one-time moving costs ($4,000) attributable to a planned relocation of Wichita offices for better long-range lease planning.

Commodities:

The largest commodity costs for capital defense offices are office supplies and gasoline.

Current Year FY 2027: $22,750

The commodities budget request is unchanged from the approved amount in FY 2027.

Budget Year FY 2028: $22,750

The FY 2028 commodities budget is unchanged from the FY 2027 request.

Capital Outlay:

Capital outlay costs for capital defense are generally furniture but can include IT or telecommunications equipment. The approved and requested budget is nearly all budgeted as furniture.

Current Year FY 2026: $22,500

The FY 2027 budget request is a decrease of $500, or 2.2%, below the approved amount, attributable to decreased planned office furniture replacement cost.

Budget Year FY 2027: $22,500

The FY 2028 budget request is unchanged from the FY 2027 requested amount.

NARRATIVE INFORMATION – DA 400

DIVISION OF THE BUDGET
STATE OF KANSAS

AGENCY NAME: Kansas State Board of Indigents' Defense Service
AGENCY NUMBER: 328-00 FUNCTION NO. 01
PROGRAM TITLE AND NUMBER: AID TO INDIGENTS DEFENSE
SUBPROGRAM TITLE AND NUMBER: REVENUE ESTIMATE

REVENUE ESTIMATE

INDIGENTS' DEFENSE SERVICES FUND:

Pursuant to L. 1996 S.B. No. 95, Sec. 134(b) Created by K.S.A. 22-4526

The revenues in this account are remitted by Clerks of the District Courts as part of an assessment or docket fee ($0.50 per case filed with the courts – including non-indigent cases), an application fee, and a bond forfeiture program. An administrative fee and the bond forfeiture program were statutorily implemented by the 1997 legislature. The Board requested and legislation was passed changing the Board's fee from an "administrative" fee to an "application" fee, to be paid at the front end of a case and increasing the amount from $50 to $100 per case. All three components, docket fee, application fee and bond forfeiture, are paid by the court to the State Treasurer.

In FY 2014, a statutory change eliminated payment of docket fees to BIDS. The legislature replaced the lost docket fees with state general funds in a separate funding line entitled "Indigents' Defense Services Operations." In FY 2013, the process for allocating bond forfeiture proceeds was modified, reducing revenue to the Indigents' Defense Services Fund. The agency historically projected conservatively due to the volatility of this revenue source, but BIDS has now moved away from conservative modeling, favoring standard forecasting methodology.

INDIGENTS' DEFENSE SERVICES FUND

Year	Total Revenue
2018	$825,021
2019	$854,275
2020	$888,427
2021	$865,910
2022	$973,710
2023	$1,017,052
2024	$1,071,750
2025	$953,045
2026	$1,083,223
2027*	$1,091,538
2028*	$1,091,538

NARRATIVE INFORMATION – DA 400

AGENCY NAME: Kansas State Board of Indigents' Defense Service
AGENCY NUMBER: 328-00 FUNCTION NO. 01
DIVISION OF THE BUDGET
STATE OF KANSAS
PROGRAM TITLE AND NUMBER: AID TO INDIGENTS DEFENSE
SUBPROGRAM TITLE AND NUMBER: REVENUE ESTIMATE

Historically, this fund was used to partially pay assigned counsel expenditures. Since FY 2006, this fund has also been used to pay expert service and transcriptionist costs supplemented by state general funds.

APPLICATION FEE:
Legislation passed in 2003 directed that the administrative fee, usually assessed at the end of the case, would be replaced by an application fee to be paid when an accused person requests representation by the Board of Indigents' Defense Services. The amount was increased from $35 to $50 for FY 2004 and to $100 for FY 2005.

INSERVICE EDUCATION WORKSHOP FEE FUND:

Pursuant to K.S.A. 22-4523(c), the State Board of Indigents' Defense Services may conduct programs having a general objective of training and educating attorneys and other persons involved in the legal representation of indigent persons. BIDS offers over 50 hour-long continuing legal education workshops for public defenders and assigned counsel each year. Historically, the agency did not charge for these workshops. However, in FY 2010, following significant budget cuts, the agency initiated a minimal fee for these programs out of necessity. This resulted in net revenue of $5,670 that year. Revenue is forecasted with standard methodologies. The agency utilizes these funds to offset costs incurred for providing training services, such as site rental, printing, mailing, staff travel, and for providing additional training to Public Defenders.

STATE OF KANSAS REVENUE ESTIMATE – DEFENDANT RECOUPMENTS

The Board of Indigents' Defense Services processes funds from the Courts on behalf of defendants as repayment for legal and expert services. These recoupments are ordered by the Judge at the time of sentencing. The funds are collected by the Courts and submitted to the Board of Indigents' Defense Services. They are receipted and processed by the administrative accounting staff and deposited into the State General Fund through the State Treasurer after an audit conducted by the BIDS accounting team. These funds are available revenue to the State of Kansas, not to the agency.