

As Amended by House Committee

Session of 2014

SENATE BILL No. 256

By Committee on Judiciary

1-14

1 AN ACT concerning criminal procedure; relating to appeals; costs charged
2 by attorney general; amending K.S.A. 22-3612 and repealing the
3 existing section.
4

5 *Be it enacted by the Legislature of the State of Kansas:*

6 Section 1. K.S.A. 22-3612 is hereby amended to read as follows: 22-
7 3612. (a) In representing the interests of the state in appeals from criminal
8 actions in the district courts of this state to the supreme court or court of
9 appeals or in other post-conviction actions arising from criminal
10 prosecutions, the attorney general shall invoke the assistance of the county
11 or district attorney of the county in which the action originally
12 commenced. The reasonable costs of such ~~assistance~~ *representation* shall
13 be allowed and paid by the board of county commissioners from the
14 county general fund for any services rendered by such county's county or
15 district attorney **pursuant to this section** or by the attorney general
16 pursuant to ~~this section~~ **an agreement under subsection (b)**.

17 (b) *The attorney general may publish a schedule of such costs to be*
18 *charged by the office of attorney general for services rendered by the*
19 *attorney general, not to exceed the hourly rate provided in K.S.A. 22-*
20 *4507, and amendments thereto. The attorney general may enter into*
21 *agreements with any county or district attorney for the payment of such*
22 *costs and any such agreement shall supersede, in whole or in part as such*
23 *agreement may provide, the schedule of costs published pursuant to this*
24 *section.*

25 (c) *All moneys paid to the attorney general pursuant to this section*
26 *shall be remitted to the state treasurer in accordance with the provisions of*
27 *K.S.A. 75-4215, and amendments thereto. Upon receipt of each such*
28 *remittance, the state treasurer shall deposit the entire amount in the state*
29 *treasury to the credit of the criminal appeals cost fund, which is hereby*
30 *created. Moneys in the criminal appeals cost fund may be expended by the*
31 *attorney general for the purpose of representing the interests of the state in*
32 *criminal appeals and post-conviction proceedings. All expenditures from*
33 *the criminal appeals cost fund shall be made in accordance with*
34 *appropriation acts upon warrants of the director of accounts and reports*
35 *issued pursuant to vouchers approved by the attorney general or the*
36 *attorney general's designee.*

1 Sec. 2. K.S.A. 22-3612 is hereby repealed.

2 Sec. 3. This act shall take effect and be in force from and after its
3 publication in the statute book.