

1 AN ACT relating to legal services for indigent persons.

2 ***Be it enacted by the General Assembly of the Commonwealth of Kentucky:***

3 ➔Section 1. KRS 31.185 is amended to read as follows:

- 4 (1) Any defending attorney operating under the provisions of this chapter is entitled to  
5 use the same state facilities for the evaluation of evidence as are available to the  
6 attorney representing the Commonwealth. If he or she considers their use  
7 impractical, the court of competent jurisdiction in which the case is pending may  
8 authorize the use of private facilities to be paid for on court order from the special  
9 account of the Finance and Administration Cabinet.
- 10 (2) The defending attorney may request to be heard ex parte and on the record with  
11 regard to using private facilities under subsection (1) of this section. If the  
12 defending attorney so requests, the court shall conduct the hearing ex parte and on  
13 the record.
- 14 (3) **(a)** Any direct expense, including the cost of **an evaluating, consulting, or**  
15 **testifying expert, an interpreter, an investigator, a mitigation specialist, the**  
16 **travel expenses of a witness, independent laboratory testing, or** a transcript  
17 or bystander's bill of exceptions or other substitute for a transcript that is  
18 necessarily incurred in representing a needy person under this chapter, are  
19 charges against the county, urban-county government, charter county  
20 government, unified local government, or consolidated local government on  
21 behalf of which the service is performed and shall be paid from the special  
22 account established in subsection **(5)**~~**(4)**~~ of this section and in accordance  
23 with procedures provided in subsection **(6)**~~**(5)**~~ of this section. However, a  
24 charge under this subsection shall not exceed the established rate charged by  
25 the Commonwealth and its agencies.
- 26 **(b) Fees or costs related to a treatment program, supervision or home**  
27 **incarceration program, educational program, monitoring device, or other**

1           service or program required by the court as a condition of pretrial release,  
 2           probation, or conditional discharge shall not be paid from the special  
 3           account established in subsection (5) of this section.

4   (4) Notwithstanding any other statute to the contrary, if an expert witness provides  
 5       evaluation, consultation, or testimony under this chapter in compliance with any  
 6       limitations in a court's order authorizing payment of expenses for the expert  
 7       witness, and does not engage in treatment of the person about whom the expert's  
 8       evaluation, consultation, or testimony is provided, the expert witness shall not be  
 9       deemed to be engaging in the professional practice of his or her field of expertise  
 10       in regard to that person.

11   (5) The consolidated local government, charter county government, unified local  
 12       government, fiscal court of each county, or legislative body of an urban-county  
 13       government shall annually appropriate twelve and a half cents (\$0.125) per capita of  
 14       the population of the county, as determined by the Council of Local Governments'  
 15       most recent population statistics, to a special account to be administered by the  
 16       Finance and Administration Cabinet to pay court orders entered against counties  
 17       pursuant to subsection (1) or (3) of this section. The funds in this account shall not  
 18       lapse and shall remain in the special account.

19   ~~(6)~~<sup>(5)</sup> The Finance and Administration Cabinet shall pay all court orders entered  
 20       pursuant to subsection (1) or (3) of this section from the special account until the  
 21       funds in the account are depleted. If in any given year the special account, including  
 22       any funds from prior years, is depleted and court orders entered against counties  
 23       pursuant to subsection (1) or (3) of this section for that year or any prior year remain  
 24       unpaid, the Finance and Administration Cabinet shall pay those orders from the  
 25       Treasury in the same manner in which judgments against the Commonwealth and  
 26       its agencies are paid.

27   ~~(7)~~<sup>(6)</sup> Expenses incurred in the representation of needy persons confined in a state

1 correctional institution shall be paid from the special account established in  
2 subsection ~~(5)~~(4) of this section and in accordance with the procedures provided in  
3 subsection ~~(6)~~(5) of this section.

4 ~~(8)~~(7) Only court orders entered after July 15, 1994, shall be payable from the  
5 special account administered by the Finance and Administration Cabinet or from the  
6 Treasury as provided in subsections ~~(5)~~(4) and ~~(6)~~(5) of this section.