

SESSION OF 2002

SUPPLEMENTAL NOTE ON SENATE BILL NO. 651

As Amended by Senate Committee on
Ways and Means

Brief*

SB 651, as amended, would impose a \$5 fee on each person ordered to post an appearance bond. This fee requirement covers all those required to post a bond for a felony or misdemeanor offense, including those persons who are released on their own recognizance and those who pledge real or personal property as a bond. The fee would also be imposed when a bond is required in relation to one of the traffic offenses covered in KSA 8-2107(d), including reckless driving, driving when one's privilege is canceled, suspended, or revoked, failure to comply with an officer's order, transporting an open container, and several motor carrier-related violations.

The Senate Committee on Ways and Means amended the bill to clarify that "own recognizance" bonds, pledges of real or personal property as bond, and the traffic offenses covered in KSA 8-2107(d) are included in the \$5 fee requirement. The amendment also made technical and clarifying changes and authorized a waiver when the imposition of the fee would cause undue hardship on the person charged with a crime.

Background

No conferees testified in support of or in opposition to this bill. An official from the Office of Judicial Administration was present to answer questions.

SB 651 arose as the result of a recommendation from the 2002 Senate Ways and Means Subcommittee on Corrections, in order to help offset a recommendation to restore funding to the Department of

*Supplemental notes are prepared by the Legislative Research Department and do not express legislative intent. The supplemental note and fiscal note for this bill may be accessed on the Internet at <http://www.kslegislature.org/cgi-bin/fulltext/bills.cgi>

Corrections. Although no ready database exists regarding the number of appearance bonds posted annually, a rough estimate was formulated that the requirements of the bill, as amended, would result in additional funding of \$150,000.

As reported by the Division of the Budget in a fiscal note dated March 26, 2002, the maximum amount that could be generated by a \$5 fee would be \$185,445, based on the total number of felony and misdemeanor cases filed in FY 2001. A bond is not required in all cases, however.