

SESSION OF 2004

SUPPLEMENTAL NOTE ON SENATE BILL NO. 551

As Amended by Senate Committee on
Ways and Means

Brief*

SB 551, as amended, concerns diversion agreements and provides that, whenever a diversion agreement is entered into, the defendant must pay an amount equal to court costs the defendant would have paid had the defendant been convicted of the crime as charged. Diversion agreements affected would be those entered into under city ordinances that are under the jurisdiction of municipal courts and state laws for traffic infractions that are under the jurisdiction of both municipal and district courts.

Amounts received from the payments that would be imposed by SB 551 would be remitted to the State Treasurer, who would distribute them pursuant to the statutory distribution formula for docket fees.

Background

SB 551 was recommended for introduction by the Senate Ways and Means Subcommittee on the Attorney General's budget as a way to generate funding for the state to replace decreased funding from fines, penalties, and forfeitures, which were tripled in 2001. Apparently the increase has changed behavior at the local level so that fewer fines are being assessed, the effect being that revenues to the state from fines, penalties, and forfeitures has declined, rather than increased since 2001.

The Senate Ways and Means Committee amended the bill to clarify that diversions related to traffic violations would be included in the bill.

*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>

The fiscal note prepared by the Division of the Budget, prior to the bill being amended, estimates that the state would receive \$1,216,490. The Office of Judicial Administration estimates that an additional \$432,465 would be received as a result of the Committee amendment, for a total of \$1,638,165. The State Treasurer would distribute the money as follows:

<u>Fund</u>	<u>Amount</u>
State General Fund	\$ 868,240
Juvenile Detention Facilities Fund	21,931
Judicial Branch Education Fund	41,554
Crime Victims Assistance Fund	11,048
Protection from Abuse Fund	53,096
Judiciary Technology Fund	84,097
Dispute Resolution Fund	6,761
Kansas Juvenile Delinquency Prevention Trust Fund	24,569
Permanent Families Account in the Family and Children Investment Fund	4,122
Trauma Fund	29,187
Judicial Council Fund	21,931
Judicial Branch Nonjudicial Salary Initiative Funds	343,041
Access to Justice Fund	<u>97,228</u>
TOTAL	<u>\$ 1,638,165</u>