

SESSION OF 2010

SUPPLEMENTAL NOTE ON HOUSE BILL NO. 2637

As Amended by House Committee on
Corrections and Juvenile Justice

Brief*

HB 2637, as amended, would require persons convicted or adjudicated of certain offenses that require submission of a DNA sample to pay a separate court cost of \$100 to the Kansas Bureau of Investigation's (KBI) DNA database fee for the event of conviction. The bill would require a court to order the fee even if the person's DNA sample is already on file with the KBI, unless the defendant can prove to the court that the fee has been paid in connection with a previous conviction or adjudication. The bill also would not authorize a court to lessen or waive the fee unless the court determines that the person is indigent and the basis for the court's determination would be required to be reflected in the court's order.

Background

The proponents of the bill, as introduced, who provided testimony at the House Committee were representatives of the KBI, the Kansas Association of Chiefs of Police, the Kansas Sheriff's Association, the Kansas Peace Officers Association, and the Office of the Kansas Attorney General.

There were no opponents of the bill who testified at the House Committee.

The House Committee amended the bill to clarify that a defendant must pay the DNA database fee unless the defendant can prove to the court that the fee has been paid in connection with a previous conviction or adjudication.

*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>

According to the fiscal note on the bill, as introduced, the KBI states passage of HB 2637 has the potential to increase the agency's revenues by approximately \$1.3 million in FY 2011. The agency states that this fee currently is not being assessed by the courts in all required cases. The KBI believes the fee is not being assessed because the courts are not determining if a person has previously submitted a DNA sample and are not assessing the fee or enforcing that the fee gets collected. Therefore, the KBI is not receiving its anticipated fees from the courts. This bill requires the courts to assess the fee even if a person has previously submitted a sample, which could reduce the courts' workload. The Office of Judicial Administration states that it collected \$94,200 from fees that get deposited into the KBI's DNA Database Fund. The Office believes that it would collect more fees under HB 2637. However, it is not possible to predict the additional amount it would collect. Any fiscal effect associated with HB 2637 is not reflected in *The FY 2011 Governor's Budget Report*.