

SESSION OF 2025

SUPPLEMENTAL NOTE ON SENATE BILL NO. 157

As Amended by House Committee on Judiciary

Brief*

SB 157, as amended, would amend law concerning the issuance of search warrants, the forfeiture of appearance bonds, and the regulation of compensated sureties in the Kansas Code of Criminal Procedure.

Issuance of Search Warrants

The bill would specify only law enforcement officers may provide sworn statements supporting a finding of probable cause to issue a search warrant. Under current law, any person may provide such statements.

Forfeiture of Appearance Bonds

The bill would require warrants issued for failure to appear to be provided to a compensated surety, change the criteria for setting aside bond forfeitures, and require the return of a percentage of an appearance bond in certain circumstances.

Warrants Provided to Surety Upon Forfeiture

Under continuing law, whenever a defendant is charged with a felony offense and fails to appear as directed by the court, the sheriff must enter the warrant into the National Crime Information Center index within 14 days of issuance of the warrant. The bill would require, upon request, the court to

*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 <https://klrd.gov/>

make a copy of the warrant available to the compensated surety who deposited the bond on behalf of the defendant.

When Bond Forfeiture May Be Set Aside

The bill would require a court to set aside (not enforce) a forfeiture in certain circumstances, in addition to other ways the court may or must direct forfeitures to be set aside in continuing law.

The bill would require the court to set aside a bond forfeiture when the warrant has not been provided to the compensated surety as directed by the bill unless there is good cause shown.

The bill would also require the court to set aside a bond forfeiture when the defendant was not held subject to an immigration detainer when the bond was posted and the surety can prove that the defendant has been deported from the United States prior to judgment of default. The bill would require the surety provide to the court a written statement, signed by the surety under penalty of perjury, setting forth facts substantiating the deportation.

Remission of Appearance Bond

The bill would require, when a forfeiture has not been set aside and a judgment of default has been issued, the court to remit (return) a portion of the amount of the appearance bond to the obligor if the defendant is returned to custody within a certain number of days after judgment is entered, as follows:

- 90 percent if returned within 90 days;
- 75 percent if returned within 91 to 180 days; or
- 50 percent if returned within 181 to 270 days.

Regulation of Compensated Sureties

The bill would prohibit a compensated surety from making loans for the purpose of financing the minimum appearance bond premium required to be paid before posting a bond.

Under continuing law, a compensated surety must charge a minimum appearance bond premium of 10 percent of the face amount of the bond, and post a bond only after the compensated surety has received at least 5 percent of such premium. The bill would specify that a compensated surety could not provide a loan, nor be affiliated with any financial institution providing such loan, for this 5 percent minimum.

[*Note:* The Kansas Code of Criminal Procedure defines “compensated surety” as any person or entity that issues appearance bonds for compensation, posts bail for four or more persons in a calendar year, is responsible for any forfeiture, and is liable for appearance bonds written by such person’s or entity’s authorized agents. A compensated surety is an insurance agent surety, a property surety, or a bail agent.]

Background

The House Committee on Judiciary inserted the contents of SB 138 and SB 244 into SB 157 while retaining the contents of SB 157. Background information for each bill may be found below.

SB 157 (Forfeiture of Appearance Bonds)

The bill was introduced by the Senate Committee on Judiciary at the request of Senator Owens.

Senate Committee on Judiciary

In the Senate Committee hearing, Senator Owens and a representative of the Kansas Bail Agents Association (KBAA) provided **proponent** testimony. The proponents generally agreed that the bill would ensure consistency in the enforcement of bond forfeitures.

Opponent testimony was provided by a representative of the Kansas Sheriffs Association, who expressed concerns regarding a sheriff's duty to provide copies to sureties and the protection of bail agents who may know that a defendant is a flight risk but elect to bond them anyway.

The Senate Committee amended the bill to:

- Modify who must provide a copy of the warrant to the compensated surety; and
- Modify the conditions under which a court may direct a bond be forfeited.

House Committee on Judiciary

In the House Committee hearing, Senator Owens and the representative of the KBAA provided **proponent** testimony that was similar to the testimony provided in the Senate Committee hearing and suggested amendments to further clarify when bond forfeitures must be set aside and to provide a tiered remission scheme.

Written-only proponent testimony was provided by a representative of the Kansas Sheriffs Association.

Neutral testimony was provided by a representative of the Kansas County and District Attorneys Association (KCDAA), who stated support for the amendments made by the Senate Committee and the additional amendments proposed by proponents.

No other testimony was provided.

The House Committee adopted amendments to:

- Clarify that a surety must make a request of the court to make a copy of the warrant available;
- Further clarify when a forfeiture involving a deported defendant must be set aside; and
- Provide for a tiered remission of forfeited bond amounts depending on the number of days within which a defendant is returned to custody after forfeiture;
- Add the contents of SB 138, concerning the issuance of search warrants; and
- Add the contents of SB 244, concerning the regulation of compensated sureties.

SB 138 (Issuance of Search Warrants)

The bill was introduced by the Senate Committee on Judiciary at the request of a representative of the KCDAA.

Senate Committee on Judiciary

In the Senate Committee hearing, two representatives of KCDAA provided **proponent** testimony. The proponents stated that because search warrants have been requested by persons outside of law enforcement in at least two counties in the past year, making this clarifying change is necessary to protect the reasonable expectation of privacy of Kansas citizens who may be subject to search warrants issued only to harass or embarrass them.

No other testimony was provided.

House Committee on Judiciary

In the House Committee hearing, two representatives of KCDA provided **proponent** testimony that was substantially similar to testimony provided in the Senate Committee hearing.

No other testimony was provided.

SB 244 (Regulation of Compensated Sureties)

The bill was introduced by the Senate Committee on Judiciary at the request of Senator Owens.

Senate Committee on Judiciary

In the Senate Committee hearing, **proponent** testimony was provided by Senator Owens and a representative of the KBAA. The proponents stated the purpose of this bill is to ensure bonding companies comply with the intent of legislation requiring minimum payments on bond premiums enacted in 2024.

Written-only proponent testimony was provided by a representative of the Kansas Sheriffs Association.

No other testimony was provided.

Senate Committee of the Whole

The Senate Committee of the Whole amended the bill to remove a requirement that any loan obtained for payment of a bond premium be obtained from a financial institution.

House Committee on Judiciary

In the House Committee hearing, Senator Owens and a representative of KBAA provided **proponent** testimony that

was substantially similar to testimony provided in the Senate Committee hearing.

Written-only proponent testimony was provided by representatives of the KCDA and the Kansas Sheriffs Association.

No other testimony was provided.

Fiscal Information

SB 157 (Forfeiture of Appearance Bonds)

According to the fiscal note prepared by the Division of the Budget on the bill, as introduced, the Office of Judicial Administration indicates enactment of the bill would have a minimal fiscal effect on the Judicial Branch that could be absorbed within existing resources. Any fiscal effect associated with enactment of the bill is not reflected in *The FY 2026 Governor's Budget Report*.

SB 138 (Issuance of Search Warrants)

According to the fiscal note prepared by the Division of the Budget on the bill, the Judicial Branch indicates enactment of the bill would have no fiscal effect on its operations.

The Kansas Association of Counties and the League of Kansas Municipalities indicate that enactment of the bill would have no fiscal effect on local governments.

SB 244 (Regulation of Compensated Sureties)

According to the fiscal note prepared by the Division of the Budget on the bill, as introduced, the Office of Judicial Administration indicates enactment of the bill would have a

minimal fiscal effect that could be absorbed within existing resources.

The Department of Insurance indicates enactment of the bill would not have a fiscal effect on the agency.

Any fiscal effect associated with enactment of the bill is not reflected in *The FY 2026 Governor's Budget Report*.

Appearance bonds; courts; warrants; sureties; failure to appear; crimes; criminal procedure; law enforcement; bond premiums