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MEMORANDUM

TO: Senate Judiciary Committee
FROM: Kansas Judicial Council – Tawnya Johnson, Kansas Judicial Council Staff Attorney
DATE: January 27, 2015
RE: Kansas Judicial Council Testimony on Senate Bill 22

Senate Bill 22 was drafted by the Judicial Council's Municipal Court Manual Advisory Committee. The purpose of the bill is to streamline the expungement process for Kansas citizens by enhancing communication between the district and municipal courts.

When a conviction has been appealed from municipal court to district court, a citizen who later wishes to have that conviction expunged must file two separate petitions for expungement – one to expunge the records in district court and one to expunge the records in municipal court. Not only is it costly to require two separate expungement proceedings, but many people are unaware that two proceedings are necessary and file only a single petition in one court but not the other.

This problem could be avoided by requiring better communication from the district court to the municipal court after a conviction has been appealed or expunged. Under the bill, district courts would be required to inform municipal courts of the outcome of any appeal. In addition, if a district court orders a conviction to be expunged, the district court would be required to notify the municipal court, which must then expunge the municipal court records as well.

The Judicial Council believes that this streamlined expungement process will benefit citizens without unfairly burdening district courts. In drafting this bill, Council staff contacted the four largest district courts, all of which indicated that the bill's requirements would be manageable.

MCM Committee Members

The members of the Municipal Court Manual Advisory Committee who participated in drafting S.B. 22 are:

Jay Scott Emler, Chair, Kansas Corporation Commissioner, and Retired Municipal Court Judge, Lindsborg, Kansas

J. Patrick Caffey, Municipal Court Judge, Manhattan, Kansas

Ken Lamoreaux, Municipal Court Judge, Waterville, Kansas

Dorothy Reinert, Municipal Court Judge, Atwood, Kansas

Connie Sams, Municipal Court Judge, Ottawa, Kansas

Brenda Stoss, Municipal Court Judge, Salina, Kansas