

DISTRICT COURT TRUSTEE  
SEVENTH JUDICIAL DISTRICT  
JUDICIAL CENTER, 111 E. 11TH  
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February 13, 2015

Mr. Chairman Jeff King and members of the Senate Judiciary Committee:

Thank you for this opportunity to provide testimony regarding Senate Bill 183 concerning collection of court debt and restitution. The Douglas County District Court Trustee has had a contract with the State of Kansas Attorney General since 1997. I request SB183 be amended to allow the collection assistance fee to be added to the debt when a contracting agent submits debt to state debt setoff. The impact of this change is small: the defendant pays an additional 17% *solely on the collection fee amount*. The contracting agent does not receive one penny more than what their contract provides.

Here are two scenarios using a debt of \$200.00 and a collection fee of 25% to illustrate the difference:

#1 Cannot include collection fee

- \$200.00 is submitted to setoff by contracting agent
- Setoff adds \$40.96 and submits \$240.86 for setoff
- Setoff collects \$240.96, retains \$40.96 and pays \$200.00 to contracting agent
- Contracting agent retains \$16.00 and court is paid \$184.00
- Defendant continues to owe \$16.00

#2 Can include collection fee in debt submitted to setoff

- \$200.00 plus \$66.67 (collection fee) is submitted to setoff
- Setoff adds \$88.89 and submit \$321.29 for setoff
- Setoff collects \$321.29, retains 54.62 and pays \$266.67 to contracting agent
- Contracting agent retains \$66.67 and court is paid \$200.00 and is paid in full
- Defendant is paid in full

The reality of the collection fee being an additional debt to the defendant is recognized when it is added to the debt when submitted to setoff.

I propose Section 1 of SB183 be amended as follows:

75-719(c)

(5) Each contract entered pursuant to this section shall provide for a fee to be paid to or retained by the contracting agent for collection services. Such fee shall be designated as the cost of collection hereunder, and shall not exceed 33% of the amount collected, but shall not be deducted from the debts owed to courts or restitution. *If a contracting agent uses the debt setoff procedures pursuant to K.S.A. 75-6202 et seq., and amendments thereto, to recover **restitution ordered pursuant to a restitution order or debts owed to courts**, the contracting agent's cost of collection for debt recovered through that program shall*

*be the amount established by contract ~~minus the collection assistance fee imposed by the director of accounts and reports of the department of administration pursuant to K.S.A. 75-6210, and amendments thereto~~ and shall be included in the balance as a debt owed to the court submitted for setoff pursuant to K.S.A. 75-6202, and amendments thereto.*

Thank you for the honor of presenting my testimony on behalf of court trustee offices across the State of Kansas.

Respectfully,



Katy S. Nitcher  
Douglas County District Court Trustee