

SESSION OF 2016

**SUPPLEMENTAL NOTE ON SUBSTITUTE FOR SENATE
BILL NO. 22**

As Amended by House Committee on Judiciary

Brief*

Sub. for SB 22 would increase from \$20 to \$22.50 the fee assessed in cases filed in municipal courts, other than nonmoving traffic violations, where there is a finding of guilt or a plea of guilty, a plea of no contest, forfeiture of bond, or a diversion. Additionally, the bill would increase from \$2.50 to \$5 the amount of such fee that would go to the Kansas Commission on Peace Officers' Standards and Training (KS-CPOST) Fund.

Further, the bill would remove the names of funds from the statute that prohibits fees from being administered in municipal court cases except in accordance with certain statutory provisions, leaving just the statutory references to the relevant funds.

The bill also would amend the statutes governing expungement for convictions of city ordinances or state laws, as well as arrests, to provide that when an expungement is ordered for a case that was appealed from a municipal court, the district court clerk must send a certified copy of the expungement order to the municipal court, which shall order the case expunged once the copy of the order is received.

The bill would amend the statute governing appeals from municipal courts to require the district court to send notice of dismissal, conviction, or acquittal to the municipal court clerk at the end of the case.

*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>

Finally, the bill would make technical amendments to update statutory and agency references. [Note: The bill appears to extend a sunset date for the Judicial Branch surcharge to fund costs of non-judicial personnel. This provision was enacted in 2015 and is included in this bill to reconcile conflicting versions of the statute.]

Background

The bill was introduced by the Senate Committee on Judiciary at the request of the Kansas Judicial Council. As introduced, the bill contained the provisions regarding certified copies of expungements and notices of conviction, dismissal, or acquittal in municipal courts.

In the 2015 hearing before the Senate Committee on Judiciary, representatives of the Judicial Council and the Kansas Association of Criminal Defense Lawyers testified in support of the bill. There was no other testimony. The 2015 Senate Committee recommended the bill favorably. The bill subsequently was withdrawn from the Calendar and rereferred to the Senate Committee on Judiciary.

The 2016 Senate Committee on Judiciary recommended a substitute bill be passed. The substitute bill contains no substantive differences from the bill, as introduced, only updating language to reflect statutory changes made by 2015 legislation.

In the hearing before the House Committee on Judiciary, a representative of the Judicial Council testified in support of the bill. A representative of the League of Kansas Municipalities submitted written testimony supporting the bill. There was no neutral or opponent testimony.

The House Committee amended the bill to add the provisions of HB 2553, regarding municipal court docket fees, and the Kansas Commission on Peace Officers' Standards

and Training Fund. Further background for HB 2553 is provided below.

The fiscal note prepared by the Division of the Budget in 2015, indicates the bill would increase postage and nonjudicial staff time expenditures for the Judicial Branch in FY 2016, but an accurate estimate cannot be provided.

HB 2553 Background

In the House Committee on Judiciary hearing on HB 2553, representatives of the KS-CPOST, Kansas Association of Chiefs of Police, Kansas Peace Officers Association, Kansas Sheriffs' Association, Kansas Bureau of Investigation, Kansas Highway Patrol, and various Kansas police departments offered testimony in support of the bill. The representative of KS-CPOST indicated the docket fee increase was needed to maintain current staffing and to update its central registry database, as well as meet other needs. There was no neutral or opponent testimony.

According to the fiscal note prepared by the Division of the Budget, enactment of HB 2553 would double the amount of revenue generated from docket fees going to KS-CPOST, resulting in increased revenue in the amount of \$474,862. Any fiscal effect associated with the bill is not reflected in *The FY 2017 Governor's Budget Report*.