

SESSION OF 2015

**SUPPLEMENTAL NOTE ON SENATE BILL NO. 232**

As Recommended by Senate Committee on  
Judiciary

**Brief\***

SB 232 would amend law relating to liens against real or personal property by requiring an order prohibiting the future filing of a lien or claim by a person who has filed a lien or claim that has been set aside unless the person first receives approval from the court that set aside the lien or claim.

The bill also would create a new crime making it a severity level 8, nonperson felony to file any lien or claim against the real or personal property of a public official when the filer knows or reasonably should know that such lien or claim is fraudulent. "Public official" as used in this section would be defined as "any person who is a public officer, candidate for public office, or public employee."

**Background**

The bill was introduced in the Senate Committee on Federal and State Affairs. At the hearing in the Senate Committee on Judiciary, a representative of the Office of the Attorney General and a representative of the Kansas Association of Chiefs of Police, Kansas Sheriffs' Association, and Kansas Peace Officers Association testified in support of the bill. There was no opponent or neutral testimony provided.

According to the fiscal note prepared by the Division of the Budget on the bill, the Office of Judicial Administration

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\*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>

indicates the bill has the potential to decrease civil lien or claim filings due to the limits imposed on future filings (decreasing civil docket fees) and to increase criminal filings due to the creation of a new crime (increasing criminal docket fees), but an accurate estimate of the fiscal effect cannot be provided. The Kansas Sentencing Commission estimates that passage of the bill would result in an increase in adult prison beds needed in FY 2016 and out years, causing increased expenditures for the Department of Corrections, but there is no data available to estimate the fiscal effect. Any fiscal effect associated with the bill is not reflected in *The FY 2016 Governor's Budget Report*.