

SESSION OF 2017

SUPPLEMENTAL NOTE ON HOUSE BILL NO. 2041

As Amended by Senate Committee on Judiciary

Brief*

HB 2041, as amended, would extend the sunset provision for judicial surcharges on a number of docket fees until June 30, 2019. Current law allows the judicial branch to impose an additional charge per docket fee to fund the costs of non-judicial personnel until June 30, 2017.

The bill would also make technical corrections and reconcile amendments related to expungements made in the 2016 Session.

Finally, the bill would amend law related to the collection of debts owed to courts. The bill would require the cost of collection of debts owed to courts or restitution be paid by the responsible party as an additional court cost in all cases where the party fails to pay any debts owed to courts or restitution and the court contracts with an agent to collect the debt or restitution. Under current law, the cost of collection is paid by the defendant as an additional court cost only in criminal, traffic, and juvenile offender cases.

*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>

Background

HB 2041

HB 2041 was introduced in the House Committee on Judiciary at the request of the Kansas Judicial Branch. As introduced, the bill contained the surcharge extension, technical corrections, and reconciling amendments.

In the House and Senate Committees on Judiciary hearings, a representative of the Office of Judicial Administration testified in support of the bill. The Kansas District Judges Association and the Kansas Bar Association provided written-only testimony in support of the bill. No neutral or opponent testimony was provided.

The Senate Committee amended the bill to add language modified from HB 2053, as amended by the House Committee, regarding collection of debts owed to courts and restitution. Further background information regarding HB 2053 is provided below.

According to the fiscal note prepared by the Division of the Budget on HB 2041, as introduced, expenditures from Judicial Branch surcharge revenues currently are reflected in *The FY 2018 Governor's Budget Report* with estimated revenues to the Judicial Branch Docket Fee Fund of \$8.4 million in FY 2018 and \$8.2 million in FY 2019. If the bill is not enacted, the Office of Judicial Administration indicates its budget would be reduced by \$8.4 million in FY 2018 and \$8.2 million in FY 2019. Fiscal note information for HB 2053 is provided below.

HB 2053

HB 2053 was introduced in the House Committee on Judiciary. As introduced, the bill would have added domestic cases to the list of case types for which the cost of collection

is paid as an additional court cost. In the House Committee hearing, an attorney who contracts with judicial districts to collect court debts testified in support of the bill. No neutral or opponent testimony was provided.

The House Committee amended the bill to remove the list of case types in which the cost of collection is paid as an additional court cost and to instead apply this requirement to all cases.

In the Senate Committee on Judiciary hearing, a representative of the same conferee who testified before the House Committee testified in support of the bill. A Shawnee County District Court judge provided written-only testimony supporting the bill. No neutral or opponent testimony was provided.

Before incorporating the language of HB 2053 into HB 2041, the Senate Committee modified the language per a request by the conferee to clarify who may be ordered to pay the cost of collection.

According to the fiscal note prepared by the Division of the Budget on HB 2053, as introduced, the Office of Judicial Administration indicates enactment of the bill could increase the number of cases being referred to collections, thereby increasing revenues to the Judicial Branch and local governments from the collection of court costs. However, a precise estimate of revenues that may be collected could not be determined.