

SESSION OF 2018

**SUPPLEMENTAL NOTE ON HOUSE BILL NO. 2588**

As Amended by House Committee on Judiciary

**Brief\***

HB 2588, as amended, would amend law concerning forfeiture of appearance bonds by requiring a court to set aside a forfeiture of appearance bond when the surety can prove the defendant has died.

**Background**

The bill was introduced by the House Committee on Judiciary at the request of the Kansas Bail Agents Association (KBAA). As introduced, the bill also would have required the court to set aside a bond forfeiture if the surety can prove the defendant has been expelled from the country.

In the House Committee hearing, a representative of the KBAA testified in support of the bill, stating the bill would provide clarification in defenses to bond forfeiture judgments. A representative of the Kansas District Judges Association (KDJA) provided opponent testimony, stating the risks posed by enactment of the bill outweigh the beneficial effects. Upon questioning by the House Committee, this conferee stated the KDJA did not oppose the provision regarding the set aside of forfeiture upon a defendant's death. No neutral testimony was provided.

The House Committee amended the bill to remove the provision that would set aside a forfeiture for a defendant who has been expelled from the country.

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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>

According to the fiscal note prepared by the Division of the Budget on the bill, as introduced, the Office of Judicial Administration indicates any fiscal effect on the Judicial Branch from enactment of the bill would be negligible.