

KANSAS OFFICE *of*
REVISOR *of* STATUTES

LEGISLATURE *of* THE STATE *of* KANSAS
Legislative Attorneys transforming ideas into legislation.

300 SW TENTH AVENUE ■ SUITE 24-E ■ TOPEKA, KS 66612 ■ (785) 296-2321

MEMORANDUM

To: House Committee on Judiciary

From: Office of Revisor of Statutes

Date: March 16, 2020

Subject: Bill Brief on HB 2738

HB 2738 would require restitution to be due immediately unless the court orders a payment plan.

Current law provides that the court shall order the defendant to pay restitution unless the court finds compelling circumstances that would render a plan of restitution unworkable, and this provision is retained in the bill. Section 1 amends K.S.A. 21-6604 to provide that restitution shall be due immediately unless the court orders that the defendant be given a specified time to pay or be allowed to pay in specified installments. A new paragraph (3) is added to provide that if a restitution order entered prior to the effective date of this act does not give the defendant a specified time to pay or set up a payment plan, a defendant may file a motion prior to December 31, 2020 proposing payment of restitution in installments. The court may recall the restitution order until the court rules on such a motion. If the court doesn't order installments or no motion is filed, the restitution shall be due immediately. A new subsection (v) is also added to provide that the amendments made to this section shall be construed retroactively.

Section 2 amends K.S.A. 21-6607 to provide that restitution shall be ordered in accordance with K.S.A. 21-6604(b).