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Senate Judiciary Committee

Testimony in Opposition of SB 87

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Thank you for the opportunity to testify in opposition of Senate Bill 87. My name is Stephanie Bunten, and I am the Chief Financial Officer for the Office of Judicial Administration.

Senate Bill 87 provides several avenues to alleviate the consequences faced by individuals who have had their license suspended because they failed to appear in court or pay the fines and fees owed as a result of traffic citations.

Some concerns have arisen about the effect of SB 87 on the Judicial Branch. First, SB 87 is confusing as to the roles of the county or district attorney and the court in amnesty agreements. For instance, subsection 1(a)(3) states that the chief judge of each judicial district may "offer payment plans, to be administered by the county or district attorney, to persons who are unable to pay in full." Courts are generally responsible for collecting and remitting fines and fees to the state treasurer. SB 87 is silent on how the courts would receive information and payments on a payment plan administered by the county or district attorney.

Another concern has arisen about how community service or attending classes in lieu of payment would be tracked. Subsection 1(b) states that "[p]ersons who are unable to pay due to hardship or lack of employment may enter into an additional agreement with the court to receive a credit against any fines imposed by performing community service or attending classes aimed at developing job skills and gaining employment." Once approved by the court, the person receives a credit of \$10 for each hour spent on community service or attending classes. The current case management system is unable to track this type of credit for community service or class attendance. As a result, this work would have to be performed manually by district court clerks and could significantly increase their workload.

The provisions of SB 87 also create the possibility to waive collection fees directly related to the suspension. This provision is inconsistent with the current framework for court

collections. Under existing law, the Judicial Administrator is authorized to enter into contracts for the collection of debts owed to the courts or restitution owed under a court order. The Office of Judicial Administration is the contractual entity that enters into these contracts. "[D]ebts owed to the courts" expressly includes "(A) the cost of collection when collection services of a contracting agent hereunder are utilized; and (B) court costs, fines, fees or other charges arising from failure to comply with a traffic citation within 30 days from the date of mailing of the notice pursuant to K.S.A. 8-2110(b)(1)." K.S.A. 20-169(b)(4).

Pursuant to the statute and as reflected in the collection contracts, any monies received by the court because of collection efforts requires the payment of a collection fee. Once a case has been sent to a contractor, their collection fees cannot be waived. If SB 87 is passed into law, the court could be obligated to pay the collection fee to the contractor regardless of the provisions of SB 87. This could create a significant financial burden on the courts.

We understand the hardships a person who has had a driver's license suspended can face. However, we believe that several of the provisions of SB 87 blur the lines between the roles of the district or county attorney and the court and are unworkable under the current framework for collecting fees and fines within the court system. We urge the committee to look at the provisions of HB 2211 (passed out of House Judiciary this week), which allows the court to waive a reinstatement fee upon a finding of manifest hardship.

Again, I thank you for your time and the opportunity to testify. I stand for questions.