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February 8, 2021

Kansas House Committee on the Judiciary
Kansas Statehouse, Room 582 N
Topeka, Kansas

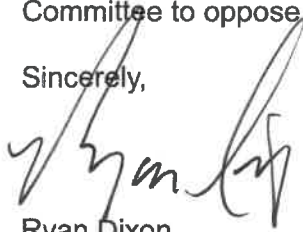
Dear Chairman Patton, Ranking Member Carmicheal and Committee Members,

My name is Ryan Dixon and I am currently the Presiding Judge of Overland Park Municipal Court. I am here today to express my opposition to HB 2226 which seeks to compel municipal courts across the state to expunge "any convictions and related arrest records of a violation of a city ordinance in this state." As the members are aware, municipal courts adjudicate thousands of ordinance violations each year. These violations include traffic infractions, code and housing violations, parking violations, serious traffic violations like driving under the influence, driving with a suspended license and driving without insurance as well as misdemeanor criminal offenses like theft, battery, possession of drugs and criminal damage to property. As it is written, this bill would mandate that the city prosecutor create a Petition for Expungement for every eligible conviction for an ordinance violation and file it with the municipal court. The court would then review the petition and create and sign an Order of Expungement and send it to the KBI. This would be very costly and burdensome on municipal court staff.

Let me give you an idea of the volume of cases that this bill contemplates. Looking at cases filed in my court three and four years ago which could become eligible for expungement as soon as this bill becomes law reveals that there are 32,850 hazardous traffic violations; 24,771 non-hazardous traffic violations; 1477 parking violations; 1128 thefts; 1254 drug possessions; 1148 animal violations; 382 code violations; and 1831 misdemeanor violations excluding DUI. These numbers do not represent convictions but they do give you some idea of the sheer volume of cases that may be eligible for expungement in this bill.

Imagine this bill becoming law thereby causing the Overland Park Prosecuting Attorneys to research, prepare and file 40,000 Petitions for Expungement, the Overland Park Municipal Judges to review those petitions, their associated criminal histories and sign 40,000 Orders of Expungement followed by the forwarding of 40,000 records of expungement to the KBI for processing. This example only includes two years of what would be the most recent eligible cases. My court as well as every municipal court in the state has convictions for ordinance violations dating back many decades. It would take years to process this backlog not to mention the burden this would impose on the KBI. This bill is admirable in it's purpose but unfortunately is too general in it's scope. Accordingly, I strongly urge the House Judiciary Committee to oppose HB 2226.

Sincerely,

A handwritten signature in black ink, appearing to read "Ryan Dixon", written over a light blue horizontal line.

Ryan Dixon
Presiding Judge
Overland Park Municipal Court