

## MEMORANDUM

**To:** John Kirk, Division of the Budget  
**From:** Scott M. Schultz, Executive Director  
**Date:** February 4, 2021  
**Re:** Prison Bed Impact Assessment, **SB 105 - Prohibiting denial of a petition for expungement due to the petitioner's inability to pay outstanding costs, fees, fines, or restitution.**

### IMPACT ASSESSMENT

- **Impact on Prison Admissions:** This bill will have **no** impact on prison admissions.
- **Impact on Prison Beds:** This bill will have **no** impact on prison bed space.
- **Impact on the Workload of the Commission:** This bill **may** impact the workload of the Commission, but it cannot be determined at this time.

### SUMMARY OF THE BILL

**Section 1.** K.S.A. 2020 Supp. 12-4516 (expungement of convictions- municipal court) is amended to include language that courts shall not deny the petition for expungement due to the petitioner's inability to pay outstanding costs, fees, fines, or restitution. The petitioner's unwillingness, rather than inability, to pay such costs, fees, fines, or restitution may be considered as a factor in denying the petition for expungement. Additional language is added that the petitioner shall still continue to be responsible to fully satisfy any outstanding costs, fees, fines, and restitution related to the arrest, conviction, or diversion. For the purpose of collecting such outstanding costs, fees, fines, or restitution, the following persons shall have access to any documents and information regarding the outstanding costs, fees, fines, or restitution notwithstanding any expungement: the clerk of the court; the petitioner and the petitioner's attorney; the beneficiary under an order of restitution and such beneficiary's attorney; and any other person as authorized by a court order if the court finds it is necessary for the person to have access to the documents and information for the purpose of collecting the outstanding costs, fees, fines or restitution.

**Section 2.** K.S.A. 2020 Supp. 21-6614 (expungement of convictions- district court) is amended to include the additional language above.

## FINDINGS

- This bill does not directly address specific criminal penalties.
- Expungements cannot be issued until an offender's sentence is complete.
- Therefore, this bill will have **no impact on prison admissions or prison bed space**, as an offender will have completed all terms of supervision before application for expungement.
- The KSSC does collect and track expungements. Thus, this bill **may** impact the workload of the commission, but it cannot be determined at this time.

## SUMMARY

- **Impact on Prison Admissions:** This bill will have **no** impact on prison admissions.
- **Impact on Prison Beds:** This bill will have **no** impact on prison bed space.
- **Impact on the Workload of the Commission:** This bill **may** impact the workload of the Commission, but it cannot be determined at this time.