

February 8, 2021

The Honorable Fred Patton, Chairperson
House Committee on Judiciary
Statehouse, Room 519C-N
Topeka, Kansas 66612

Dear Representative Patton:

SUBJECT: Fiscal Note for HB 2226 by House Committee on Judiciary

In accordance with KSA 75-3715a, the following fiscal note concerning HB 2226 is respectfully submitted to your committee.

HB 2226 would require the automatic expungement of certain convictions and arrest records when the offender meets specified conditions. The conditions are outlined in the bill. The court would not be allowed to charge a docket fee for the automatic expungement.

Estimated State Fiscal Effect				
	FY 2021 SGF	FY 2021 All Funds	FY 2022 SGF	FY 2022 All Funds
Revenue	--	--	--	--
Expenditure	--	--	\$324,250	\$324,250
FTE Pos.	--	--	--	8.00

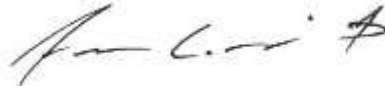
The Kansas Bureau of Investigation (KBI) states enactment of HB 2226 would result in additional expenditures of \$324,250 from the State General Fund in FY 2022. Of that amount, \$311,500 would be to hire an additional 8.00 FTE positions to process the expungements. Currently, the KBI receives approximately 3,300 expungements per year that are processed by one employee. The KBI states there were over 27,000 convictions and diversions in 2019. The remaining \$12,750 would be for one-time programming costs for modifications to the agency's criminal history database.

The Office of Judicial Administration indicates enactment of the bill could have a fiscal effect if court employees are required to keep track of expungements, which would increase their workload. In addition, the Office states there is not a current automated process or system for

court employees to track expungements, so this would likely be a manual process and if the Office develops a way to automate the process, there would be additional programming costs. According to the Office, a fiscal effect cannot be estimated. The Office states there are currently docket fees charged in expungement cases; however, the provisions of the bill would not allow for the assessment of docket fees for expungement petitions and would result in a decrease in docket fee revenue. Any fiscal effect associated with HB 2226 is not reflected in *The FY 2022 Governor's Budget Report*.

The League of Kansas Municipalities states the bill's enactment would have a fiscal effect on cities because additional resources would be needed to research past municipal convictions and to review and file the necessary petitions. The Kansas Association of Counties states additional resources could be needed to implement the bill's provisions; however, the costs would be negligible.

Sincerely,

A handwritten signature in black ink, appearing to read "Adam Proffitt", with a stylized flourish at the end.

Adam Proffitt
Director of the Budget

cc: Debbie Thomas, Judiciary
Wendi Stark, League of Municipalities
Jay Hall, Association of Counties