

February 14, 2022

The Honorable Stephen Owens, Chairperson
House Committee on Corrections and Juvenile Justice
Statehouse, Room 546-S
Topeka, Kansas 66612

Dear Representative Owens:

SUBJECT: Fiscal Note for HB 2674 by House Committee on Judiciary

In accordance with KSA 75-3715a, the following fiscal note concerning HB 2674 is respectfully submitted to your committee.

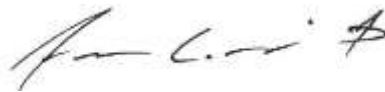
Under current law, when a defendant fails to appear as directed by the court and guaranteed by an appearance bond, the court in which the bond is deposited is required to declare forfeiture of the bail. HB 2674 would also require the court to issue a warrant for the defendant's arrest. Also, under current law, a court has discretion to set aside forfeiture if the surety can prove the defendant is incarcerated in the United States and provides the court a written statement sworn under the penalty of perjury. Under the bill's provisions, a court would no longer have this discretion.

HB 2674 would require a court to set aside forfeiture if the surety could prove that the defendant is incarcerated somewhere within the United States prior to judgement of default by providing the court a written statement, signed by the surety under penalty of perjury; that the arrest warrant required to be issued, as mentioned in the previous paragraph, was not issued within 14 days of the forfeiture; the surety has submitted a written request to the sheriff in the county where the forfeiture occurred to enter the warrant for the defendant into the National Crime Information Center's index and the warrant was not entered within 14 days of receipt of the request; or the defendant has been arrested outside of Kansas and the prosecuting attorney has declined to proceed with extradition. Upon the defendant's return, the surety may be ordered to pay the costs of the return.

According to the Office of Judicial Administration, the enactment of HB 2674 would have a negligible fiscal effect on the operations of the Judicial Branch.

The Kansas Association of Counties states any fiscal effect on counties would be negligible.

Sincerely,

A handwritten signature in black ink, appearing to read "Adam Proffitt".

Adam Proffitt
Director of the Budget

cc: Vicki Jacobsen, Judiciary
Jay Hall, Association of Counties