

SESSION OF 2022

SUPPLEMENTAL NOTE ON HOUSE BILL NO. 2674

As Further Amended by House Committee on
Judiciary

Brief*

HB 2674, as further amended, would amend the statute governing forfeiture of appearance bonds in the Kansas Code of Criminal Procedure.

The bill would require, if a defendant fails to appear as directed by the court and guaranteed by an appearance bond, the court in which the bond is deposited to issue an arrest warrant for a defendant. If the defendant is charged with a felony offense, the bill would require the sheriff to enter the warrant into the National Crime Information Center's (NCIC) index within 14 days of issuance and to notify the court if the warrant is not entered into the index.

The bill would add the following to the circumstances under which a court would direct a forfeiture to be set aside:

- The arrest warrant required by the above provision was not issued within 14 days of the forfeiture;
- A warrant that is required to be entered into the NCIC index pursuant to the above provision was not entered within 14 days of issuance, unless there is good cause shown for such failure to enter; or
- The defendant has been arrested outside of Kansas, and the prosecuting attorney has declined to proceed with extradition.

*Supplemental notes are prepared by the Legislative Research Department and do not express legislative intent. The supplemental note and fiscal note for this bill may be accessed on the Internet at <http://www.kslegislature.org>

The bill would clarify that a court could impose conditions when it is required to direct that a forfeiture be set aside.

The bill would reorganize some existing provisions within the statute and make other technical amendments to ensure consistency in statutory phrasing and organization.

Background

The bill was introduced by the House Committee on Judiciary at the request of the Kansas Bail Agents Association.

House Committee on Corrections and Juvenile Justice

In the House Committee on Corrections and Juvenile Justice hearing on February 14, 2022, a representative of the Kansas Bail Agents Association testified as a **proponent** of the bill, stating the bill would address situations in some Kansas jurisdictions where an arrest warrant is not issued or is issued after delay when a defendant fails to appear on a surety bond. No other testimony was provided.

On February 16, 2022, the House Committee on Corrections and Juvenile Justice amended the bill to adjust the procedure by which the surety can request the warrant be entered into the index. [*Note*: This amendment was further amended by the House Committee on Judiciary.]

On February 23, 2022, the bill was referred to the House Committee on Appropriations. On March 1, 2022, the bill was referred to the House Committee on Judiciary.

House Committee on Judiciary

In the House Committee on Judiciary hearing on March 3, 2022, the same **proponent** testified as in the previous

hearing. A representative of the Kansas Sheriffs Association testified as a neutral conferee, requesting amendments limiting entry of warrants into the NCIC index to felonies, requiring a sheriff to notice the court if entry is not made, and removing court order requirements from the warrant entry process.

On March 7, 2022, the House Committee on Judiciary amended the bill based upon the request of the Kansas Sheriffs Association.

Fiscal Information

According to the fiscal note prepared by the Division of the Budget on the bill as introduced, the Office of Judicial Administration indicates enactment of the bill would have a negligible fiscal effect on Judicial Branch operations.

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

Criminal procedure; forfeiture of appearance bonds; set aside; arrest; warrants