

February 21, 2024

The Honorable Kellie Warren, Chairperson
Senate Committee on Judiciary
300 SW 10th Avenue, Room 346-S
Topeka, Kansas 66612

Dear Senator Warren:

SUBJECT: Fiscal Note for SB 416 by Senate Committee on Judiciary

In accordance with KSA 75-3715a, the following fiscal note concerning SB 416 is respectfully submitted to your committee.

SB 416 would prohibit any fines, fees, costs, court expenses, reimbursements, or other financial obligations to be ordered, assessed, or sought against a juvenile or a juvenile's parent, guardian, or custodian. On and after July 1, 2024, any outstanding court ordered financial obligations owed by a juvenile or juvenile's parent, guardian, or custodian that were assessed would be discharged and would not be collected, including any financial obligations being sought by collections agencies. The bill would require any juvenile under supervision solely due to outstanding financial obligations to be immediately discharged. Any juvenile, parent, or guardian incarcerated in a correctional facility, jail, juvenile correctional facility, or juvenile detention facility solely due to nonpayment of any court ordered financial obligation would be immediately released. However, the provisions would not apply to restitution that is owed by a juvenile.

The bill would also prohibit the collection of fees owed to a county or city for booking or processing; supervision costs associated with a house arrest program; law library fees; fees from sheriff's offices to register juveniles under the Kansas Offender Registration Act; Judicial Branch surcharges in addition to bonds, liens, and judgment fees; fees for the prosecuting attorneys' training fund; fees for forensic science or laboratory services, forensic computer examination services, or forensic audio and video examination services; or DNA database fees in juvenile offender cases. The bill would require the expense of an appointed attorney for a juvenile to be paid from the county's general fund as opposed to the juvenile or their parent, guardian, or custodian.

The bill would prohibit docket fees and surcharges for petitions for expungement in juvenile cases and would not allow a court to deny or delay processing a petition due to unpaid fees or financial obligations. The bill would allow certain individuals access to expunged files. Costs assessed on people responsible for a juvenile related to the care and custody of the juvenile would no longer be allowed to be collected under the bill. Costs imposed on a juvenile or their

parent, guardian, or custodian for an immediate intervention program would not be allowed to be assessed under the bill, but a juvenile would be eligible to participate in such a program and could not be denied access due to unpaid fees or costs.

The bill would also prohibit courts from ordering parents to pay child support if a juvenile is found incompetent and committed for evaluation. Under current law, if a district court orders a mental health evaluation for a juvenile, parents have a right to a second independent evaluation, but may be required to pay any associated costs of the evaluation. SB 416 would require the second independent evaluation to be at no cost to the parents.

The bill would also amend the sentencing alternatives section in the Revised Kansas Juvenile Justice Code law to:

1. Prohibit courts to order repayment of costs or fees by the juvenile or juvenile's parent, guardian, or custodian if the juvenile is ordered to participate in a community-based program;
2. Prohibit courts from ordering child support if the juvenile is vested in someone other than the parent and would prohibit the court from ordering other financial terms or conditions;
3. Eliminate the ability for a court to order the juvenile to pay a fine upon adjudication;
4. Prohibit any requirement that the juvenile or juvenile's parent, guardian, or custodian pay costs or fees associated with house arrest, electronic monitoring, or remote alcohol testing if the juvenile is placed under a house arrest program;
5. Delete provisions authorizing the court to place the juvenile in the custody of the Secretary of Corrections in certain situations;
6. Eliminate the requirement that someone obligated to pay for the care of the juvenile pay child support if the court finds that the juvenile poses a significant risk of harm to another or damage to property and the court commits the juvenile to the custody of the Secretary of Corrections for placement in a juvenile correctional facility or youth residential facility;
7. Prohibit costs for counseling or mediation ordered by the court;
8. Eliminate a requirement that juveniles would be required to pay a fee for drug and alcohol evaluations;
9. Eliminate a provision authorizing the court to order a juvenile to redo a drug and alcohol evaluation if the evaluation occurred more than 12 months before sentencing;
10. Add a provision that the court cannot assess a fee for a drug evaluation or program, including any ongoing required drug and alcohol testing;
11. Eliminate all provisions that authorize the court to impose a fine when a juvenile is adjudicated;
12. Add a provision that a court cannot order detention of the juvenile for nonpayment of fines, costs, fees, or restitution where nonpayment constitutes a violation of sentencing conditions; and

13. Add a provision that when the court orders commitment of the juvenile to a detention facility because the juvenile poses a significant risk of harm to another or damage to property, the findings from the court cannot be based on nonpayment of financial obligations or the juvenile's noncompliance with any sentencing conditions requiring the juvenile or juvenile's parent, guardian, or custodian to pay money in order to comply.

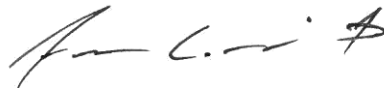
SB 416 would amend current law to prohibit parents or juveniles from being responsible for the costs of evidence-based programs or parenting classes. If a juvenile offender case is appealed, the bill would require the attorney appointed to represent the juvenile, along with transcript and records costs, to be paid from the county general fund and not subject to reimbursement by the juvenile or their parent, guardian, or custodian. The bill would take effect upon publication in the statute book.

The Office of Judicial Administration indicates enactment of the bill would have a negligible effect on expenditures and revenues of the Judicial Branch; however, the bill would result in a decrease in revenue for various state funds and the State General Fund and a precise fiscal effect cannot be estimated. The total amount of juvenile fees assessed from FY 2016 through FY 2023 are as follows:

FY 2016	\$901,091
FY 2017	\$885,601
FY 2018	\$606,433
FY 2019	\$596,468
FY 2020	\$340,914
FY 2021	\$627,118
FY 2022	\$567,476
FY 2023	\$932,313

The Sentencing Commission and the Department of Corrections indicate enactment of the bill would not have a fiscal effect on the agencies. Any fiscal effect associated with SB 416 not reflected in *The FY 2025 Governor's Budget Report*.

Sincerely,



Adam C. Proffitt
Director of the Budget

cc: Trisha Morrow, Judiciary
Jennifer King, Department of Corrections
Scott Schultz, Kansas Sentencing Commission