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MEMORANDUM

To: House Committee on Corrections and Juvenile Justice

From: Office of Revisor of Statutes

Date: February 8, 2023

Subject: Bill Brief on HB 2280

HB 2280 requires a person convicted of driving under the influence to pay child support for an child of a person killed during the offense giving rise to such conviction.

The bill creates a new section of law that provides if a person is convicted of involuntary manslaughter during the course of the commission of driving under the influence, and the victim of the offense was the parent of a minor child, then the court shall order the defendant to pay restitution in the form of reasonable and necessary support of each minor child of the victim until each child reaches 18 years of age and graduates, or their class graduates, from high school. When determining the amount of support, the court shall consider (1) the age of the child, (2) the financial needs of the child, (3) the financial resources and needs of the surviving parent or of the state if the child is in the custody of the secretary, (4) the standard of living to which the child is accustomed, (5) the physical and emotional condition and educational needs of the child, (6) the child's legal custody and residency, and (7) the reasonable child care expenses of the surviving parent.

The court shall order the support be paid to the surviving parent or guardian. Such order shall be enforced as a judgment of restitution. If the person who is ordered to pay this restitution is incarcerated and unable to pay, the person shall have not longer than one year after the person is released from custody to being payment and create a payment plan to address any arrearage. If the surviving parent or guardian brings a civil action and obtains a judgment against a person ordered to pay restitution pursuant to this section, then the restitution shall not be ordered or the amount shall be offset by the amount of the civil judgment.