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To: Hon. Fred Patton, Chair, House Judiciary
From: Todd Thompson, KCDAAs Legislative Chair and Past KCDAAs President
Date: January 25, 2023

Re: Testimony Regarding HB 2028

Hon. Chairman Patton and members of the House Judiciary Committee:

Thank you for the opportunity to testify and provide testimony regarding HB 2028. My name is Todd Thompson, and I am the legislative chair and former President of the Kansas County and District Attorney's association. Today, I am speaking and writing on behalf of the Kansas County and District Attorneys Association (KCDAAs) as a Former President of that organization.

The KCDAAs and I appreciate and support defendants receiving expungements when no conviction occurred to help them move on with their lives and not continually be affected by their criminal history. This has been evident with multiple counties throughout our State, including mine, hosting Expungement events. The KCDAAs is committed to and in full support of those persons who are arrested and/or charged with criminal cases and later acquitted, or whom have their cases dismissed due to their innocence, being able to have those records expunged so they do not create issues for them in the future.

Our issue with HB 2028 is it is seeking to create an automatic expungement of court records under K.S.A. 21-6614 for cases that not only occurred due to acquittal, but for dismissal with and without prejudice. One of the main issues this legislation causes is that often times cases by prosecutors are forced to dismiss matters without prejudice, or with allowance to refile on later date, due to multitude of reasons. Currently, in our County, our judge rarely will not allow continuances if witnesses appear. This means we must dismiss the case and refile it. In this instance, we would not only be dealing with the issues or reworking the case but also filing motions to not expunge the arrest. Dismissals are not uncommon due to a sundry of reasons, lack of witnesses, evidence still being processed, etc.. This mandatory

expungement creates greater work for prosecutors. Further, a dismissal without prejudice does not indicate a person's lack of culpability to the reason they were charged.

Also, as anyone familiar with criminal case work knows that many cases are dismissed with or without prejudice for things more than acquittals. Often a defendant has multiple cases and will resolve all those cases in what we call a global resolution. This means some cases may be dismissed not because of lack of guilt, but to resolve multiple matters. Besides the extra cost this bill costs to the Kansas Bureau of Investigation and to the Courts, it will also incur extra costs to prosecutors' offices to file the paper work and deal with the above stated issues caused by this legislation.

Thank you for the opportunity to provide testimony regarding HB 2028. I am happy to answer any questions.