

January 31, 2023

The Honorable Stephen Owens, Chairperson
House Committee on Corrections and Juvenile Justice
300 SW 10th Avenue, Room 546-S
Topeka, Kansas 66612

Dear Representative Owens:

SUBJECT: Fiscal Note for HB 2113 by Joint Committee on Corrections and Juvenile Justice Oversight

In accordance with KSA 75-3715a, the following fiscal note concerning HB 2113 is respectfully submitted to your committee.

HB 2113 would specify that a court could not deny a petition for expungement because of a petitioner's inability to pay outstanding court costs, fees, fines, or restitution. The petitioner's unwillingness, rather than inability, to pay such costs, fees, fines, or restitution may be considered as a factor in denying the petition for expungement. The bill would require the petitioner to be responsible for fully satisfying any outstanding costs, fees, fines, and restitution related to the arrest, conviction, or diversion. For the purpose of collecting any outstanding costs, fees, fines, or restitution, the following individuals would have access to the expunged case file: the clerk of the court, contracting agents, petitioner or petitioner's attorney, a beneficiary under an order of restitution, or any other person as authorized by a court order if the court finds it necessary for the person to have access.

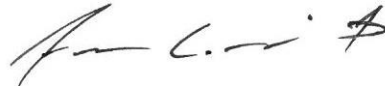
The bill would also require petitions for expungements for juveniles not to be denied due to the juvenile's inability to pay outstanding costs, fees, fines, or restitution. The petitioner's unwillingness, rather than inability, to pay such costs, fees, fines, or restitution may be considered as a factor in denying the petition for expungement. Unless the court orders otherwise, expungement would not release the juvenile from the obligation to pay outstanding costs, fees, fines, or restitution. The bill would also require a juvenile to have no felony convictions or felony adjudications for two years since final adjudication before an expungement could be granted.

The Office of Judicial Administration states enactment of HB 2113 could increase the number of cases filed in district court because the bill's provisions would allow more people to

seek an expungement even though the individual has outstanding court debts. According to the Office, district courts would be required to hold petition hearings, which would increase time spent by judges and court employees processing and hearing cases. The Office indicates enactment of the bill could result in a decrease of revenue for outstanding fees, costs, fines, and restitution as the bill's provisions would allow a judge to waive these fees if they choose. Until the Judicial Branch has had an opportunity to operate under the bill's provisions, a fiscal effect cannot be estimated, according to the Office. Any fiscal effect associated with HB 2113 is not reflected in *The FY 2024 Governor's Budget Report*.

The League of Kansas Municipalities states enactment of HB 2113 would have a negligible fiscal effect on Kansas cities. The Kansas Association of Counties states enactment of the bill would have a fiscal effect on counties if it leads to a high rate of failure to pay court costs and fees.

Sincerely,

A handwritten signature in black ink, appearing to read "Adam Proffitt", with a stylized flourish at the end.

Adam Proffitt
Director of the Budget

cc: Wendi Stark, League of Kansas Municipalities
Jay Hall, Kansas Association of Counties
Vicki Jacobsen, Judiciary