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MEMORANDUM

To: House Committee on Judiciary

From: Office of Revisor of Statutes

Date: February 7, 2022

Subject: Bill Brief on HB 2557

HB 2557 prohibits the denial of a petition for expungement of a juvenile offense due to the petitioner's inability to pay outstanding costs, fees, fines or restitution and it authorizes expungement if the juvenile has not committed an offense in the previous two years.

The bill amends K.S.A. 38-2312, which is the statute that provides for expungement of juvenile adjudications. Current law requires the court to order expungement if the court finds that since the final discharge of the juvenile, the juvenile has not been convicted of a felony or a misdemeanor other than a traffic offense or adjudicated as a juvenile offender. This bill would change that to require the court to order expungement if the juvenile hasn't been convicted of or adjudicated for a felony in the past two years.

The bill also provides that the court shall not deny the petition of expungement due to the juvenile's inability to pay outstanding costs, fees, fines or restitution. The petitioner's unwillingness, rather than inability, to pay may be considered as a factor in denying the petition for expungement. Unless the court orders otherwise, expungement shall not release the juvenile from the obligation to pay outstanding costs, fees, fines or restitution.