

February 9, 2021

The Honorable Kellie Warren, Chairperson
Senate Committee on Judiciary
Statehouse, Room 441B-E
Topeka, Kansas 66612

Dear Senator Warren:

SUBJECT: Fiscal Note for SB 105 by Senate Committee on Judiciary

In accordance with KSA 75-3715a, the following fiscal note concerning SB 105 is respectfully submitted to your committee.

SB 105 would prohibit the court from denying a petition for expungement because of the petitioner's inability to pay outstanding costs, fees, fines, or restitution; however, the petitioner's unwillingness, rather than inability, to pay may be considered as a factor in denying the petition for expungement. The bill also clarifies that even if the expungement is granted, the petitioner remains obligated to pay the outstanding debts.

With regard to expunged court records, for the purpose of collecting the debts, SB 105 would clarify that the following people would have access to the documents: the clerk of the court, a contracting agent, the petitioner or the petitioner's attorney, a beneficiary under an order of restitution or the beneficiary's attorney, and any other person authorized by a court order if the court finds it necessary for the person to have access to the records for the purposes of collecting on the debts.

The Office of Judicial Administration indicates enactment of SB 105 could increase the number of cases filed in district court because it allows a person to file for an expungement even though the person has outstanding court debts, which could increase the time spent by court employees and judges processing and hearing cases. According to the Office, a fiscal effect cannot be estimated. The Office states enactment of the bill could result in the collection of additional docket fees for those cases filed under the bill's provisions. Any fiscal effect associated with SB 105 is not reflected in *The FY 2022 Governor's Budget Report*.

The Kansas Association of Counties states enactment of the bill could have a fiscal effect on counties if costs and fees to the county are waived. The League of Kansas Municipalities cannot estimate what, if any, fiscal effect enactment of the bill would have on cities.

Sincerely,

A handwritten signature in black ink, appearing to read "Adam Proffitt".

Adam Proffitt
Director of the Budget

cc: Wendi Stark, League of Municipalities
Jay Hall, Association of Counties
Debbie Thomas, Judiciary
Scott Schultz, Sentencing Commission
Randy Bowman, Corrections