

February 4, 2022

The Honorable Fred Patton, Chairperson
House Committee on Judiciary
Statehouse, Room 582-N
Topeka, Kansas 66612

Dear Representative Patton:

SUBJECT: Fiscal Note for HB 2556 by House Committee on Judiciary

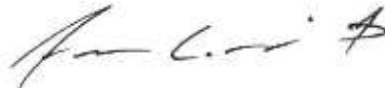
In accordance with KSA 75-3715a, the following fiscal note concerning HB 2556 is respectfully submitted to your committee.

HB 2556 would allow any person who has been convicted of a violation of a city ordinance, a traffic infraction, a cigarette or tobacco infraction, misdemeanors, or certain felonies to petition the convicting court for the expungement of such conviction and related arrest records. The bill would require the court not to deny such petitions due to the petitioner'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. 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. The clerk of the court, contracting agents, petitioner, and a beneficiary would still be allowed access to the expunged case.

The Office of Judicial Administration indicates that enactment of the bill could increase the number of cases filed in district courts because it allows a person to file for an expungement regardless of an outstanding court debt. An increase in cases would increase the time spent by district court judicial and nonjudicial personnel in processing, researching, and hearing cases and could result in the collection of additional docket fees. However, a fiscal effect cannot be determined because the number of additional cases cannot be estimated.

The Sentencing Commission indicates that enactment of the bill would have no effect on prison beds. The Office of the Attorney General, Kansas Bureau of Investigation, and Department of Corrections indicate that enactment of the bill would have no fiscal effect. Any fiscal effect associated with HB 2556 is not reflected in *The FY 2023 Governor's Budget Report*.

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: Vicki Jacobsen, Judiciary
Paul Weisgerber, KBI
Randy Bowman, Corrections
Willie Prescott, Office of the Attorney General
Scott Schultz, Sentencing Commission