

February 7, 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 2557 by House Committee on Judiciary

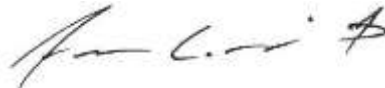
In accordance with KSA 75-3715a, the following fiscal note concerning HB 2557 is respectfully submitted to your committee.

HB 2557 would require expungements for juveniles not to be denied due to the juvenile's inability to pay outstanding costs, fees, fines, or restitution. Unwillingness, rather than inability, to pay such costs, fees, fines, or restitution could still be considered as a factor in denying the petition for expungement. The bill would also require a juvenile to have no felony or misdemeanor convictions or felony adjudications for two years since the date of final discharge before an expungement could be granted.

The Office of Judicial Administration indicates that enactment of the bill could increase expenditures because it will allow more people to seek an expungement, which could result in additional cases. The district courts would be required to hold additional petition hearings and give notice of hearing to the county or district attorney. This, in turn, would increase the time spent by district court judicial and nonjudicial personnel in processing, researching, and hearing cases. The Office indicates that the bill could result in the collection of additional docket fees if additional cases are filed under the provisions of the bill. However, a decrease in revenue is also possible if judges waive outstanding fees, costs, fines, and restitutions as allowed in the bill. A fiscal effect cannot be determined because the number of additional cases; additional docket fees; or waived fees, costs, fines, and restitutions cannot be estimated.

The Sentencing Commission indicates that enactment of the bill would have no effect on prison beds. The 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 2557 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
Scott Schultz, Sentencing Commission