



Legislative Committee

HB 2113
House Corrections and Juvenile Justice Committee
Proponent Testimony
January 31, 2023

Chairman Owens and Members of the Committee:

The Kansas State Board of Indigents' Defense (BIDS) provides defense counsel for people who have been charged with felonies and cannot afford an attorney. We represent 85% of adults charged with felonies across the state. Our public defender offices and appointed counsel work to protect the constitutional rights of some of the most vulnerable populations in every county. The BIDS Legislative Committee was established to advocate on legislative matters consistent with the goals of a holistic defense of indigent people.

The BIDS Legislative Committee strongly supports the passage of HB 2113.

This bill creates a path towards expungement for someone who does not have the means and ability to pay all of their fines, fees, and restitution by the time they are eligible to apply for expungement. Expungement provides those with prior convictions with an opportunity for a second chance. However, the current system excludes those who most desperately need that chance.

An overwhelming majority of people who are prosecuted live well below the poverty line. That is why so many of them qualify for appointed counsel. Poverty and criminal convictions often go hand-in-hand. People commit crimes for a whole host of reasons, but desperation is frequently one of them. However, once someone has taken responsibility for their actions, a criminal record limits the ability to move on and contribute to society. These are people who have done everything that was asked of them, except pay off all their fees. They have experienced the criminal justice system and completed their rehabilitation. They have not committed any additional crimes. They are the success stories.

However, these are the people that also continue to struggle because of their criminal records. Criminal records make it challenging to find quality employment, safe and affordable housing, and even financial aid for education. Expungement provides a much needed helping hand to allow them to better pursue these opportunities. A study from the University of Michigan¹ found that people who have had their records expunged typically see an almost 23% increase in their income in

¹ Prescott, J.J. "Expungement of Criminal Convictions: An Empirical Study." Sonja B. Starr, co-author. *Harv. L. Rev.* 133, no. 8 (2020): 2460-555.

just the first year. This increased earning potential can create an opportunity for someone to finally have the resources to actually pay the outstanding costs and fees they still owe. This increase can also provide a clear pathway out of poverty and the circumstances that lead so many to offend in the first place. Limiting someone's access to the benefits of expungement for no other reason than their inability to pay is self-defeating and inconsistent with the reason expungement exists.

It is for these reasons that we strongly support the passage of HB 2113.

Sincerely submitted on behalf of the BIDS Legislative Committee,

Lindsie Ford, JD
Assistant Public Defender
Johnson County Public Defender's Office
115 E. Park St., Suite A
Olathe, KS 66061
(913) 829-8755
lford@sbids.org