

SESSION OF 2007

**CONFERENCE COMMITTEE REPORT BRIEF  
HOUSE SUBSTITUTE FOR SENATE BILL NO. 31**

As Agreed to April 2, 2007

**Brief\***

House Sub. for SB 31 would amend the municipal courts subject matter jurisdiction on certain felonies and would authorize the municipal court to enter into contracts for collection services for debts owed to municipal courts or for restitution.

**Subject Matter Jurisdiction**

The bill would clarify the subject matter jurisdiction of municipal courts to allow the municipal court to hear and determine cases involving violations of city ordinances and specified violations that could be charged as a felony in district court. The felonies in which the municipal court and the district court would have concurrent jurisdiction are limited to those crimes which are contained in KSA 2006 Supp. 8-1567, Driving Under the Influence of Alcohol or Drugs; KSA 21-3412a, Domestic Battery; KSA 21-3701, Theft; KSA 21-3707, Worthless Checks; or KSA 65-4162, Possession of Marijuana, to allow jurisdiction to a municipal court for violations of an ordinance which is concurrent with the jurisdiction of a district court for violations of these statutes that would be punishable as a felony. These provisions would be retroactive for ordinance violations committed on or after July 1, 2006.

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\*Conference committee report briefs are prepared by the Legislative Research Department and do not express legislative intent. No summary is prepared when the report is an agreement to disagree. Conference committee report briefs may be accessed on the Internet at

## **Debt Collection**

The bill also would allow municipal courts to enter into contracts for collection services for debts owed to municipal courts or for restitution. The collection cost would be paid by the defendant in all cases in which the defendant fails to pay any amount ordered by the court and the court uses the services of a contracting agent.

The bill also would allow a beneficiary (usually a victim) under an order of restitution to use collection services. Any amounts collected under this provision would be applied against the debt owed to the court. Beneficiaries who have received recovery from the Kansas Crime Victims Compensation Board, in which the Board has subrogation rights, would be subject to the rights of the Board until the subrogation lien is satisfied.

In addition, the bill would impose a fee cap on collection services not to exceed 33 percent of the amount collected. The cost of collection would be paid from the amount collected, but not be deducted from the debts owed to municipal courts or restitution.

## **Conference Committee Action**

The Conference Committee agreed to:

- Insert the provisions of HB 2393 (an act concerning municipal courts; relating to collection of fines, restitution and other costs) without the amendment added in the Senate Committee which provided cities with a population of 50,000 or less jurisdiction to hear and determine certain city ordinances; and
- Strike the amendment added in the House Committee of the Whole on SB 31 which prohibited diversion agreements involving an illegal alien.

## **Background**

The Senate Committee amended the bill, as introduced, by striking language which appears to narrow the municipal court's jurisdiction and replacing it with language that clarifies the municipal court's jurisdiction is expanded to include the specified felonies.

The Senate Committee of the Whole passed the bill as amended by the Senate Committee.

The House Committee amended the bill by inserting the provisions regarding concurrent jurisdiction with municipal courts and district courts in a substitute bill.

The House Committee of the Whole amended the bill by adding the provisions regarding the prohibition on diversion agreements involving an illegal alien.

The Conference Committee agreed to:

- Insert the provisions of HB 2393 (an act concerning municipal courts; relating to collection of fines, restitution and other costs) without the amendment added in the Senate Committee which provided cities with a population of 50,000 or less jurisdiction to hear and determine certain city ordinances; and
- Strike the amendment added in the House Committee of the Whole on SB 31 which prohibited diversion agreements involving an illegal alien.

jurisdiction of municipal courts