

SESSION OF 2007

**SUPPLEMENTAL NOTE ON SENATE BILL NO. 203**

As Amended by House Committee of the Whole

**Brief\***

SB 203, as amended, would:

- Require cash deposit appearance bonds be made in the full amount of the bond and require that the amount of the bond remaining after the payment of outstanding restitution, costs, fines, and fees would be returned to the person charged with a crime after the final disposition of the criminal case, if the person complies with all requirements to appear in court;
- Require that the amount of bond be the same whether it is a surety bond or a cash bond;
- Authorize the court, in his or her discretion, to release a person charged with a crime on the person's own recognizance with a guarantee that the person would pay the amount of the bond if the person fails to comply with all requirements to appear in court;
- Prohibit the court from imposing an administrative fee;
- Authorize the forfeiture of an appearance bond by the court only upon a failure to appear; and
- Authorize the revocation of an appearance bond upon the failure to comply with any other condition of the appearance bond.

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\*Supplemental notes are prepared by the Legislative Research Department and do not express legislative intent. The supplemental note and fiscal note for this bill may be accessed on the Internet at <http://www.kslegislature.org>

## **Background**

The proponents of the original bill included Chris Joseph, General Counsel for the Kansas Professional Bail Bond Association; Darrel Manning, Bail Bondsman; David Stuckman, Bail Bondsman; Manuel Baraban, Bail Bondsman; Randall Kahler, Bail Bondsman; and Shane Rolf, Bail Bondsman. Written testimony in support of the bill was received from N. Trey Pettlon, III, Attorney; and Stephen Parker, Attorney.

The opponents to the original bill included Hon. Steve Tatum, Chief Judge of the 10th Judicial District (Johnson); and Hon. Nancy Parrish, Chief Judge of the 3rd Judicial District (Shawnee).

The Senate Committee amended the bill to:

- Strike the provision requiring the appearance bond be executed by a surety authorized either by the Insurance Commissioner or by the court; and
- Reinsert a provision, which is current law, requiring the appearance bond be executed with sufficient solvent sureties, unless the magistrate decides a surety is not necessary.

The Senate Committee of the Whole amended the bill to clarify that an appearance bond may only be forfeited by the court upon a failure to appear.

The House Committee amended the bill to provide that the amount of a cash bond to be returned would be after the deduction of outstanding restitution, fines, fees, and costs.

The House Committee of the Whole amendment reinserted the wording “upon a failure to appear,” which is current law, to declare that an appearance bond may only be forfeited upon a failure to appear. The House Committee of the Whole also struck the provision that prohibited the court from keeping any portion of a bond.

The fiscal note on the original bill states that, according to the Office of Judicial Administration, passage of the bill would not have a fiscal effect on its operating budget. However, the bill could have an effect on county general funds because there are some district courts that have a bonding program that generates a moderate amount of money. In those counties, the money is allocated directly to the county's general fund.