

SESSION OF 2008

SUPPLEMENTAL NOTE ON SENATE BILL NO. 267

As Amended by House Committee on
Agriculture and Natural Resources

Brief*

SB 267, if enacted, would create the new crime of failure to comply with a wildlife and parks citation. The new crime would be defined as failure to:

- Appear before a district court in response to a citation and to pay any fine, court costs, assessments, or fees imposed in full;
- Fully pay or satisfy all fines, court costs, assessments, or fees imposed as part of a sentence of any district court for violation of the Kansas wildlife and parks laws; or
- Comply with a wildlife and parks citation as provided in law.

Failure to comply with a wildlife and parks citation would be a class C misdemeanor, regardless of the disposition of the original charge.

Under the provisions of the bill, in addition to any other penalty, when a person failed to comply with a wildlife and parks citation or sentence for a violation of wildlife and parks laws or rules and regulations, the district court in which the person should have complied would be required to mail such person a notice stating, if the person does not appear in the district court or pay all fines, court costs, assessments, and any penalties imposed within 30 days, the Department of Wildlife and Parks will be notified to forfeit or suspend any license,

*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>

permit, stamp, or other authorization issued by the Department. Upon receiving such notice, the Department would be required to notify the violator and suspend or forfeit any permit, stamp, or license held by the violator until receiving evidence of compliance from the district court.

The bill would further provide, when the court notifies the Department of Wildlife and Parks of failure to comply with a citation or sentence, the court would be required to assess a reinstatement fee of \$50 for each charge or sentence not satisfied, except as otherwise provided in the bill. The reinstatement fee would be in addition to any fines, court costs, assessments, other fees, or penalties arising from failure to comply with a wildlife and parks citation. The district court would be required to remit all reinstatement fees to the State Treasurer for deposit as required by present law, and the State Treasurer would be required to credit all such money to the State General Fund.

The bill would amend an existing statute to add “failure to comply with a wildlife and parks citation” to the duty of a district court judge or clerk in regard to reporting to the Department of Wildlife and Parks and would specify what is to be reported.

Background

SB 267 was introduced at the request of a representative of the Department of Wildlife and Parks who also testified in support of the bill as did one of the Wildlife and Parks Commission members. No one appeared in opposition to the bill. The same conferees also testified before the House Committee.

The Senate Agriculture Committee amendments are technical.

The House Agriculture and Natural Resources Committee amendments update technical references.

The fiscal note for SB 267 indicates passage of the bill would have no fiscal impact in FY 2007, but there would be a one-time programming and implementation cost to the Judicial Branch case management system associated with the new notification and reinstatement fee requirements created by the bill. The one-time cost is estimated to be \$5,000 in FY 2008. The cost to the Judicial Branch would be paid from State General Fund appropriations. The Department of Wildlife and Parks expects no fiscal effect on its budget from passage of the bill.