

SESSION OF 2009

SUPPLEMENTAL NOTE ON SENATE BILL NO. 68

As Amended by House Committee on
Judiciary

Brief*

SB 68, as amended, would increase the amount of the district court docket fee credited to the Prosecuting Attorneys' Training Fund from \$1.00 to \$2.00 for each docket fee assessed in a criminal case and \$1.00 for each docket fee assessed in a civil case. The bill also would increase the docket fee in criminal and civil cases by \$1.00.

Background

The law provides that certain state and local entities will receive a specified portion of district court docket fees "off the top" and that the balance will be credited to the State Treasury. Funds that receive a portion of the district court docket fee "off the top" are: the County General Fund, County Law Library Fund, Prosecuting Attorneys' Training Fund, Indigents' Defense Services Fund, and the Law Enforcement Training Center Fund.

Docket fee revenues that remain following the distribution of fees to the "off the top" funds are credited to the State Treasury from which the revenue is allocated based on the percentages set out in statute. Those funds are: Access to Justice Fund, Judicial Branch Nonjudicial Salary Initiative Fund, Judicial Branch Education Fund, Judicial Technology Fund, Dispute Resolution Fund, Judicial Council Fund, Judicial Performance Fund, Crime Victims Assistance Fund, Protection from Abuse Fund, Kansas Juvenile Delinquency Prevention

*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>

Trust Fund, Juvenile Detention Facilities Fund, Trauma Fund, Permanent Families Account in the Family and Children Investment Fund, Child Exchange and Visitation Center Fund, and the State General Fund.

The proponent of the bill, as introduced, who presented testimony in the Senate Committee hearing was Tom Stanton, Reno County District Attorney and President of the Kansas County and District Attorneys Association.

The opponent of the bill, as introduced, who presented testimony in the Senate Committee hearing was Kathy Porter, Office of Judicial Administration.

The Senate Committee of the Whole amended the bill to:

- Credit the prosecuting attorneys' training fund \$1.00 for each docket fee assessed in a civil case; and
- Increase the criminal and civil docket fee by \$1.00.

The House Committee on Judiciary amended the bill to delete the effective date of publication in the *Kansas Register* and inserted the effective date of publication in the statute book.

The fiscal note states that SB 68, as introduced, would increase the amount deposited in the Prosecuting Attorneys' Training Fund from \$1 to \$2 for each docket fee. According to the Office of Judicial Administration, for FY 2008 the Prosecuting Attorneys' Training Fund received approximately \$186,239 from district court docket fees. Based on the FY 2008 amount, the fund would receive \$372,478 ($\$186,239 \times 2$) in FY 2010.

Because the bill reduces the amount deposited into the state treasury by \$1 for each district court docket fee, SB 68 has the potential to decrease revenues to several state agency funds and the State General Fund. The agencies that could be affected by reduced revenues include the Office of Judicial

Administration, Juvenile Justice Authority, Attorney General, Social and Rehabilitation Services, Health and Environment, and Judicial Council. Each of these agencies receives a different percentage of the funds available from the docket fees. Since the Prosecuting Attorneys' Training Fund is estimated to receive \$186,239 more in FY 2010, the state treasury would receive \$186,239 less from the district court docket fees in FY 2010. Based on this amount, the State General Fund would receive \$88,855 less and the remaining state agencies would receive \$97,384 less in FY 2010. Because the bill would take effect in FY 2009, it is estimated the reduction in revenues would be one-fourth of a full-year's reduction, or \$22,214 from the State General Fund or \$46,560 from all state funds. The actual fiscal effect would depend on the bill's effective date. Any fiscal effect associated with SB 68 is not reflected in *The FY 2010 Governor's Budget Report*.