

Greg Nickel

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Senate Committee on Judiciary
Kansas Capitol Building, Room 346-S
300 West 10th Street
Topeka, Kansas 66612

Re: House Bill 2755
Written Testimony in Opposition

While HB 2755 is popular with the bonding industry who designed the bill, and while it is popular with those aiming to keep accused citizens in jail, it is not popular with anyone else. In particular, the regulation on municipal courts is harmful and, by the proponent's own admission, unnecessary. I strongly oppose these portions of the bill.

I serve as a small-town Municipal Judge in Goessel and Municipal Court Administrator in Newton. I serve on executive boards for both statewide organizations. I am an involved citizen in Wichita, where I live. I have spoken with other judges, court administrators, and citizen rights advocates. This bill is not popular with any of them. It serves a narrow, private interest.

As the pro-arguments relate to municipal courts, they fall apart quickly.

WPD Captain Rakestraw supported this bill "to make sure that people are staying in jail when that's the expectations of the community." Sheriff Easter said, "it does create community safety concerns when folks are released." For municipal courts dealing with low-level misdemeanors, Appearance Bonds are not a farce designed to keep accused people in jail. Appearance Bonds serve one primary purpose – to insure a person's appearance in court.

One of our biggest issues with this bill for municipal courts is that it invents a problem with split bond options of, for example, \$250 cash vs \$1,000 surety. Municipal courts use this practice because it benefits everyone involved. The testimony aims to keep people in jail because they are dangerous. For city ordinance violations, posting a \$250 cash bond does not make them more dangerous.

This reference to municipal courts could be stricken from the bill, which would go a long way towards alleviating my concern. Recall this section of the testimony:

Representative Maughan: "You would agree that we really don't have an issue here we need to address as it relates to municipal courts?"

Sheriff Easter: "I'd absolutely agree with that. Yes, sir."

Since Law Enforcement agrees that the municipal court portion of this bill does not address a legitimate issue, please strike those sections from the bill.

I would like to highlight two municipal court issues:

1. Municipal Courts should retain authority to act if a bondsman ignores its obligations to a that court. This bill removes that authority, giving it to District Courts for some unexplained reason.
2. When Municipal Judges set a lower cash bond option, it means that option becomes available to people without piles of cash available. It means that the average person has a chance of posting a cash bond. It means that the citizen can get their money back when they finish their case, or of applying their money to fined owed. It increases the likelihood that a court will collect the fines owed. The only downside is that cash bonds become a free-market competitor to the bond industry's revenue. In municipal courts, a cash or surety bond in the same amount means a person must choose between coughing up \$1,000 cash vs \$100 for the surety. \$1,000 vs \$100 is not much of an option for the average person, and means the bondsman pockets \$100.

You can address both concerns by striking the portions of this bill that restrict municipal courts. As noted by the testimony of law enforcement, this is unnecessary.

Thank you for your consideration,

A handwritten signature in blue ink, appearing to read "Greg Nickel".

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