

February 7, 2023

The Honorable Stephen Owens, Chairperson
House Committee on Corrections and Juvenile Justice
300 SW 10th Avenue, Room 546-S
Topeka, Kansas 66612

Dear Representative Owens:

SUBJECT: Fiscal Note for HB 2280 by House Committee on Corrections and Juvenile Justice

In accordance with KSA 75-3715a, the following fiscal note concerning HB 2280 is respectfully submitted to your committee.

HB 2280 would require defendants convicted of involuntary manslaughter for the killing of a human being while the defendant is in the commission of, or attempt to commit, or flight from driving under the influence, to pay child support if the victim was the parent of a minor child.

Courts would be required to order such defendants to pay restitution to those minor children in the form of child support until the child became 18 or their high school class graduated from high school. Courts would have to consider factors including the child's age, financial needs and resources available to the child or the surviving parent or guardian, and the child's legal custody and residency in determining the amount of support to be paid. The child support order would be enforced as a judgment of restitution.

Incarcerated defendants unable to pay the court-ordered restitution would have until one year after their release from custody to begin payment and to create a payment plan for the arrearage. No restitution would be ordered in an involuntary manslaughter case if the surviving parent or guardian brought a civil action against the defendant and obtained judgment prior to the court handling the involuntary manslaughter case entering an order for restitution. Where the court had already ordered restitution and the surviving parent or guardian then obtained a judgment in the civil action, the restitution amount would be offset by the amount of the civil judgment.

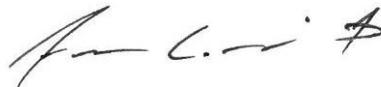
The Office of Judicial Administration indicates that HB 2280 could have a fiscal effect on expenditures of the Judicial Branch. The bill's provisions could result in additional time spent by

the district court judges considering factors in these cases. Nevertheless, until the courts have had an opportunity to operate under the provisions of HB 2280, an accurate estimate of the fiscal effect on expenditures by the Judicial Branch cannot be given.

The Department for Children and Families (DCF) indicates that HB 2280 would have a negligible fiscal effect on the Child Support Services (CSS) Program. The bill does not state who is responsible for establishing the support. If the intent is that DCF CSS is responsible, training would occur to determine how to establish the support as it does not utilize the Kansas Child Support Guidelines which CSS normally uses in cases. Also, child support orders do not require persons to utilize CSS services. The responsibility to establish the order could be handled by private counsel or, in counties where available, the District Court Trustee.

The Kansas Department of Revenue indicates the bill would have no fiscal effect on the agency. Any fiscal effect associated with HB 2280 is not reflected in *The FY 2024 Governor's Budget Report*.

Sincerely,

A handwritten signature in black ink, appearing to read "Adam Proffitt", with a stylized flourish at the end.

Adam Proffitt
Director of the Budget

cc: Kim Holter, Department for Children & Families
Vicki Jacobsen, Judiciary
Lynn Robinson, Department of Revenue