



# **"BAIL AGENTS ASSURE JUSTICE"**

Kansas Bail Agents Association  
2947 N. Athenian Ave., Wichita, Kansas 67204

## Testimony In Support of Senate Bill 157

Rick Morey  
President  
Wichita, Kansas

February 13, 2025

Shane Rolf  
Executive Vice-President  
Olathe, Kansas

Chair Warren and Committee Members,

Dennis Berndt  
Treasurer  
Salina, Kansas

My name is Shane Rolf. I am the Executive Vice President of the Kansas Bail Agents Association. I am providing this testimony on behalf of the KBAA in support of Senate Bill 157.

JC. Loewen  
Vice-President  
Newton, Kansas

This bill would make 3 changes to K.S.A. 22-2807, all of which solve ongoing problems.

Laura Frisbee  
Secretary  
Wichita, Kansas

**It would require that a compensated surety be provided a copy of the warrant issued following the declaration of a bond forfeiture on the bond they had posted.**

David Stuckman  
At-Large Director  
Manhattan Kansas

This solves two problems. First, three years ago the Legislature made changes requiring a warrant to be issued within 14 days of the failure to appear if the state wished to pursue a bond forfeiture judgment. Some jurisdictions are refusing to provide the issuing date of the warrant, thus preventing the surety to avail itself of a statutory defense. Second, when traveling to certain other states, local law enforcement and local statutes often require the surety to provide a copy of the warrant along with a copy of the bond. By having this warrant copy, the surety is able to stay in compliance with the local regulations in other jurisdictions while attempting to apprehend our fugitives.

Terri Deede Ricketts  
At-Large Director  
Wichita, Kansas

Candy Crow  
Education Director  
Wichita, Kansas

Michael Crow  
At-Large Director  
Wichita, Kansas

**The bill would provide a defense to forfeiture if the defendant has left the country and if the surety can provide facts substantiating that the defendant is no longer in the country.** This is in response to the erratic nature in which the Federal Government chooses to enforce immigration law. One administration may be very lax about deportation and another comes in with a different approach. The surety is often caught in the middle of these changing policies. While both California and Maryland have established case precedents that offer protection in the event of deportation, the Kansas courts have declined to offer any relief in those instances where the surety can actually demonstrate that the defendant has been removed. In terms of statutes, at least three State Legislatures have written this deportation defense into their legal codes.<sup>1</sup>

Pat Hiebert  
At-Large Director  
Wichita, Kansas

Ryan Eastep  
At Large Director  
Wichita, Kansas

Cal Williams  
At Large Director  
Salina, Kansas

Danny Slusser  
At Large Director  
Wichita, Kansas

Jonathan Gear  
At Large Director  
Wichita, Kansas

<sup>1</sup> Georgia Code 17-6-72, Florida Statute 903.26, Colorado Revised Statute 16-4-110

Additionally, if a defendant has been expelled from the country, production of the defendant is *legally* impossible. Production of a defendant outside the borders of the United States is impossible for two reasons. First, bail contracts issued in the United States are not recognized by foreign countries. Second, federal statutes<sup>2</sup> all proscribe anyone, including sureties, from bringing a defendant back into the United States and criminal penalties for such actions.

**Finally, this provides a mechanism for a partial refund of a paid forfeiture should the missing defendant be returned within six months from the date the Judgment on Bond is entered.** Establishing a set refund and a set time will establish a consistent statewide standard for dealing with this, while still providing an incentive for the surety to continue to attempt to locate and apprehend the missing defendant. It is well established in Kansas law that the purpose of bail is not to beef up public revenues<sup>3</sup> but rather to provide an incentive for the defendant to reappear and the surety to return the defendant if he does not. The statute currently leaves this post judgment refund to the discretion of the court. However, there is no consistency across the state in how this is done. Certain jurisdictions have refund formulas in their local rules<sup>4</sup> while other districts employ policies prohibiting the refund of any portion of the paid forfeiture, even when the defendant is returned after judgment.

All told, these changes will establish additional consistency in the enforcement of bond forfeitures and the KBAA would urge the passage of Senate Bill 157.

Shane L Rolf  
Executive Vice-President  
Kansas Bail Agents Association

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<sup>2</sup> 8 U.S.C. §1327 Any person who knowingly aids or assists any alien inadmissible under section 1182(a)(2) (insofar as an alien inadmissible under such section has been convicted of an aggravated felony) or 1182(a)(3) (other than subparagraph (E) thereof) of this title to enter the United States, or who connives or conspires with any person or persons to allow, procure, or permit any such alien to enter the United States, shall be fined under title 18, or imprisoned not more than 10 years, or both.

<sup>3</sup> State v. Midland Insurance, 208 Kan. 886 (1972)

<sup>4</sup> Sedgwick and Wyandotte currently offer percentage refunds based upon time from judgment