

February 16, 2025

The Honorable Susan Humphries, Chairperson
House Committee on Judiciary
300 SW 10th Avenue, Room 582-N
Topeka, Kansas 66612

Dear Representative Humphries:

SUBJECT: Fiscal Note for HB 2306 by House Committee on Judiciary

In accordance with KSA 75-3715a, the following fiscal note concerning HB 2306 is respectfully submitted to your committee.

HB 2306 would require the court to order child support for any child of a victim killed by a person who is convicted of involuntary manslaughter while driving under the influence. If the defendant was convicted, the court would be required to order the defendant to pay restitution in the form of “reasonable and necessary support” for each minor of the victim until the minor reached 18 years of age and graduated from high school, or the class of which the minor child was a member when the child reached 18 graduated from high school. The bill would include various factors that the court would be required to consider when setting the amount of support. Such support would be paid to the surviving parent or guardian of the child and could be enforced as a judgment of restitution.

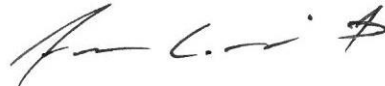
If the defendant was incarcerated and unable to pay, then the defendant would have up to one year after being released from custody to begin payment and to create a payment plan to address arrearage. Payments would be required to continue until the entire arrearage was paid in full. If the surviving parent or guardian brought a separate civil suit against the defendant and obtained a judgment against the defendant before the court ordered restitution, then the court could not order restitution. If the court ordered restitution and the surviving parent or guardian brought a separate civil case and obtained judgment, then the amount of restitution would be offset by the amount of the civil judgement.

According to the Department for Children and Families, enactment of HB 2306 would not have a fiscal effect on the agency. According to the Kansas Drive to Zero Coalition, in 2023 there

were 81 Driving Under the Influence (DUI) related accidents resulting in 93 fatalities. However, there are no known statistics about how many victims were parents, how many of these accidents resulted in death of a parent, nor how many children were impacted in these incidents. The bill does not specify who would be responsible for establishing the support and would pose the amount in the form of restitution in a criminal matter. This service is outside the scope of what Title IV-D of the Social Security Act authorizes Child Support Services to provide. Restitution would generally be enforced by local courts.

The Office of Judicial Administration indicates that enactment of HB 2306 would have a negligible fiscal effect on expenditures of the Judicial Branch. While the bill's provisions include various factors that the court must consider when determining the amount of child support in these cases, this is not anticipated to be significant. The bill would not have a fiscal effect on revenues to the Judicial Branch or State General Fund. Any fiscal effect associated with HB 2306 is not reflected in *The FY 2026 Governor's Budget Report*.

Sincerely,

A handwritten signature in black ink, appearing to read "Adam C. Proffitt", followed by a stylized flourish.

Adam C. Proffitt
Director of the Budget

cc: Trisha Morrow, Judiciary
Kim Holter, Department for Children & Families