

Amanda Truan, President
23rd J.D.
107 W. 12th
Hays, KS 67601
(785)628-9415
Ellis County



Christine Blake, President-Elect
Finney County
425 N 8th, P.O. Box 798
Garden City, KS 67846-0798
(620)271-6120

February 22, 2019

Kansas Senate Judiciary Committee
Senator Rick Wilborn, Chairman

Senate Bill 87

Thank you Chairman Wilborn and committee members for allowing me to present testimony in opposition to SB 87. I'm Pam Moses, the Chief Clerk of the District Court in Reno County (Hutchinson), and I am here speaking on behalf of the Kansas Association of District Court Clerks and Administrators.

While this bill is well-intentioned there are certain items that will create hardship for the clerks who must implement the amnesty program it proposes. These hardships would come at a time when clerks are already struggling with understaffing and high turnover in many offices across the state due to years of stagnant judicial branch funding. KADCCA's concerns with the present version of the bill are as follows:

- 1) SB 87 proposes that the county or district attorney will "administer" any payment plan authorized by the prosecutor and chief judge. However, given that clerks of the district court are required by law to receive, process, and remit to the state treasurer most of the fees and fines addressed in SB 87, it is unclear whether and how this outside administration of payment plans would work – especially considering that many county and district attorneys do not have direct access to FullCourt (the current case management system used in 104 counties across Kansas).
- 2) SB 87 states that defendants who cannot pay their fines will be allowed to enter an agreement with the court to perform community service or attend classes in order to earn credit against those fines. The current statewide case management system is unable to automate the tracking of this type of community service work plan. As such, the work would have to be done manually, greatly increasing the workload for clerk offices.
- 3) SB 87 allows the chief judge to waive reinstatement and collection fees related to the suspension, as well as offer community service or educational hours as an alternative

Todd Heitschmidt, Secretary
28th J.D.
300 W Ash, P.O. Box 1760
Salina, KS 67402-1760
(785)309-5843

Michelle Smith, Treasurer
Doniphan County
Main & Walnut, P.O. Box 295
Troy, KS 66087
(785)985-3582

Lea Welch, Past President
3rd J.D.
200 S.E. 7th St.
Topeka, KS 66603
(785)233-8200 X4017

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to the payment of fines. The bill does not mention lowering these fees, only complete waiver. It is unclear which fees and fines would be eligible for the payment plans mentioned in subsection (a)(3). Full waiver of fees and fines may result in a decrease in revenue to the State General Fund (and various other funds), which could affect judicial branch operations.

In Fiscal Year 2018, 167,272 traffic cases were filed in the state of Kansas, and 166,680 traffic cases were disposed. With that high number of traffic cases, passage of this bill in its current form could result in a significant burden on court staff. Any proposal to implement a statewide amnesty program of this type should be carefully crafted with input from system stakeholders and the public, as there are many factors that must be balanced in order to establish a successful process.

If the committee is interested in taking a more incremental step toward easing financial burdens on indigent persons whose licenses have been suspended for failure to comply with a traffic citation, KADCCA encourages the committee to consider the content of 2019 HB 2211. That bill permits judges to waive or reduce the driver's license reinstatement fee upon a finding of manifest hardship. It provides a mechanism for lessening the financial strain on economically-disadvantaged persons without imposing significant administrative burdens on the court system.

Thank you and I will be happy to answer any questions you may have.

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