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MEMORANDUM

To: House Committee on Judiciary

From: Office of Revisor of Statutes

Date: February 7, 2022

Subject: Bill Brief on HB 2556

HB 2556 prohibits denial of a petition for expungement due to the petitioner's inability to pay outstanding costs, fees, fines or restitution.

Section 1 amends K.S.A. 12-4516, which provides for the expungement of municipal court records. Subsection (h) is amended to provide that the court shall not deny a petition for expungement due to the petitioner's inability to pay outstanding costs, fees, fines or restitution. The petitioner's unwillingness, rather than inability, to pay may be considered as a factor in denying the petition for expungement. Subsection (i) is also amended to provide that, if expungement is ordered, the petitioner shall continue to be responsible for fully satisfying any outstanding costs, fees, fines and restitution. For the purpose of collecting such debt, the clerk of the court, a contracting agent, the petitioner and petitioner's attorney, the beneficiary of an order of restitution and any other person authorized by the court shall all have access to the expunged case file. A new subsection (m) provides that the determination of when the person satisfied the sentence excluded the payment of costs, fees, fines and restitution.

Section 2 amends K.S.A. 21-6614, which provides for the expungement of district court records. Subsection (h) is amended to provide that the court shall not deny a petition for expungement due to the petitioner's inability to pay outstanding costs, fees, fines or restitution. The petitioner's unwillingness, rather than inability, to pay may be considered as a factor in denying the petition for expungement. Subsection (i) is also amended to provide that, if expungement is ordered, the petitioner shall continue to be responsible for fully satisfying any outstanding costs, fees, fines and restitution. For the purpose of collecting such debt, the clerk of the court, a contracting agent, the petitioner and petitioner's attorney, the beneficiary of an order of restitution and any other person authorized by the court shall all have access to the expunged

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case file. A new subsection (n) provides that the determination of when the person satisfied the sentence excluded the payment of costs, fees, fines and restitution.