



CITY OF TOPEKA

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To: Senate Committee on Judiciary
From: City of Topeka, submitted by Amanda Stanley, City Attorney
Date: March 20, 2024
Re: HB 2755 Written Opposition Testimony

Thank you, Chairwoman Warren, for allowing the City of Topeka to submit written opposition testimony to HB 2755.

The concern with this bill is the new language that would require the appearance bond to be set in the same amount "...regardless of the method used to secure the appearance of the accused person." If the bill passes as currently written, we believe the City's modified bond structure will be eliminated and municipal judges will be impacted on how to set a bond. Because of the unique differences between municipal courts and district courts, it is imperative for municipal courts to have discretion on how to set bonds at the municipal level.

For example, a typical bond in Topeka Municipal Court will be \$200 cash or \$1000 surety, meaning the Defendant can pay \$200 cash to get out jail or can pay a bondsman a percentage to post the \$1000 surety. If the person posts the \$200 cash, that money is still theirs and it will stay on their books so long as they keep coming to court. Upon resolution of the case, that \$200 can be applied towards their costs and fees. Under this structure, there is a greater incentive to come to court and resolve your case. Alternatively, if the person pays the surety a percentage to post the \$1000 bond, that money is gone, the surety keeps it, and they guarantee to produce that person at their next court hearing. The money paid to the surety does not get applied to the costs of the case down the line which is particularly detrimental to helping individuals get current on fines and fees to get their license back.

Under this bill, all bonds would have to be the same meaning there could be no \$200 cash option. The bond would have to be \$1000 cash or surety meaning the person pays the \$1000 cash or pays the surety a percentage of the \$1000 to get out. The municipal court's volume is so much greater than district court and the lower cash bond option helps keep the cases moving along, and as noted above, created a greater incentive to come to court to resolve cases. Unfortunately, we deal with a lot of indigent defendants at the municipal level that are not walking around with \$20 in their pocket, let alone \$1000 needed to post a cash bond.

We would respectfully ask that the committee not pass this bill to the full Senate.

Thank you for your consideration.