

STATE OF KANSAS

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GOVERNOR JEFF COLYER, M.D.
LARRY L. CAMPBELL, CHIEF BUDGET OFFICER

February 14, 2018

The Honorable Blaine Finch, Chairperson
House Committee on Judiciary
Statehouse, Room 519-N
Topeka, Kansas 66612

Dear Representative Finch:

SUBJECT: Fiscal Note for HB 2737 by House Committee on Judiciary

In accordance with KSA 75-3715a, the following fiscal note concerning HB 2737 is respectfully submitted to your committee.

HB 2737 would require courts to grant an order of expungement of arrest, conviction records, and any records related to the arrest or conviction in a case when a person is acquitted, charges are dismissed, a conviction is reversed or vacated, or a retrial results in a not guilty verdict. The bill would require the prosecuting attorney or other judicial officer to provide notice to the court of the action and file a petition for expungement. The court would be required to grant the expungement and keep the official court file separated from other records. The clerk of the court would be responsible for sending a certified copy to the Kansas Bureau of Investigation (KBI). The KBI would then notify other federal and state criminal justice agencies, which may have a record of the arrest or conviction. If an expungement is entered, the eligible person would be treated as having never been arrested or convicted of the crime.

According to the Office of Judicial Administration, enactment of HB 2737 would increase the number of expungement petitions filed with the courts. This would increase the time spent by district court judicial and nonjudicial personnel in processing and researching the expungement petitions. In addition, the Office estimates that the district court clerk's time spent on expungement petitions would increase because they would have to differentiate these types of expungements from other types.

The Honorable Blaine Finch, Chairperson

February 14, 2018

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The KBI states any fiscal effect resulting from the enactment of HB 2737 could be absorbed within existing resources. Any fiscal effect associated with HB 2737 is not reflected in *The FY 2019 Governor's Budget Report*.

Sincerely,

A handwritten signature in black ink, appearing to read "L. Campbell", written in a cursive style.

Larry L. Campbell
Chief Budget Officer

cc: Ashley Michaelis, Judiciary
Shelia Sawyer-Tyler, KBI
Melissa Wangemann, Association of Counties