

March 16, 2020

The Honorable Fred Patton, Chairperson
House Committee on Judiciary
Statehouse, Room 519C-N
Topeka, Kansas 66612

Dear Representative Patton:

SUBJECT: Fiscal Note for HB 2738 by House Committee on Federal and State Affairs

In accordance with KSA 75-3715a, the following fiscal note concerning HB 2738 is respectfully submitted to your committee.

HB 2738 would make restitution in a criminal case due immediately unless the court orders a specific payment plan or the court finds restitution unworkable, either whole or in part. If a restitution order exists prior to the effective date of the Act and the order does not have a specific payment plan, the defendant would be able to file a motion proposing a payment plan. Upon the filing of the motion, the court could recall the existing restitution order until the motion is ruled upon. If the defendant does not file a motion or if the court does not order a payment plan, the restitution would be due immediately.

The Office of Judicial Administration indicates that a recent Kansas Court of Appeals decision, *State v. Roberts*, requires a court to implement a payment plan before a case involving restitution can be sent to collections. Under this decision, the Office states that more time would be spent by district court judicial and nonjudicial personnel in processing and implementing payment plans and tracking and resentencing defendants. The decision could also increase revenues from restitution. The Office states that HB 2738 would therefore result in cost savings relative to expenditures that would have occurred under the *Roberts* decision as the bill would remove the requirement for courts to implement a payment plan prior to sending a case to collections. However, a fiscal effect cannot be determined because the cost savings related to the courts not processing payment plans or tracking and resentencing defendants under the *Roberts* decision cannot be estimated. Any fiscal effect associated with HB 2738 is not reflected in *The FY 2021 Governor's Budget Report*.

Sincerely,



Larry L. Campbell
Director of the Budget

cc: Mary Rinehart, Judiciary