

SENATE BILL No. 522

By Committee on Judiciary

2-6

AN ACT concerning municipal courts; relating to collection of fines and court costs.

Be it enacted by the Legislature of the State of Kansas:

Section 1. (a) As used in this act: (1) “Beneficiary under an order of restitution” means the victim or victims of a crime to whom a municipal court has ordered restitution be paid;

(2) “contracting agent” means a person, firm, agency or other entity who contracts as provided in this act to provide collection services;

(3) “cost of collection” means the fee specified in contracts as provided in this act to be paid to or retained by a contracting agent for collection services. Cost of collection also includes any filing fee required under K.S.A. 60-4303, and amendments thereto, or administrative costs prescribed by the clerk of the municipal court; and

(4) “debts owed to the court” means any assessment of court costs, fines, fees or moneys expended by the municipality in providing counsel and other defense services to indigent defendants or other charges which a municipal court judge has ordered to be paid to the court, and which remain unpaid in whole or in part. Such debts include any interest or penalties on such unpaid amounts as provided for in the judgment or by law. “Debts owed to the court” also includes the cost of collection when collection services of a contracting agent as provided in this act are utilized.

(b) The clerk of the municipal court is authorized to enter into contracts in accordance with this act for collection services for debts owed to the court or restitution owed under an order of restitution. The cost of collections shall be paid by the defendant as an additional court cost in all criminal and traffic cases where the defendant fails to pay any amount ordered by the court and the court utilizes the services of a contracting agent pursuant to this act. The cost of collection shall be deemed an administrative fee to pay the actual costs of collection made necessary by the defendant’s failure to pay the court a debt or restitution. Any fine, penalty, or any part of any fine or penalty assessed by a municipal court which remains unpaid shall be a debt due and owing to the municipality and, as such, may be collected in accordance with applicable law. Such

1 debts shall be a judgment against the defendant which may be enforced
2 as judgments for payment of money in civil cases.

3 (c) Each contract entered pursuant to this act shall provide for a fee
4 to be paid to or retained by the contracting agent for collection services.
5 Such fee shall be designated as the cost of collection as provided in this
6 act, and shall not exceed 33% of the amount collected. The cost of col-
7 lection shall be paid from the amount collected, but shall not be deducted
8 from the debts owed to courts or restitution.

9 (d) On and after July 1, 2002, any beneficiary, under an order of
10 restitution entered by a court, is authorized to utilize the collection serv-
11 ices of contracting agents pursuant to this act for the purpose of collecting
12 all outstanding amounts owed under such order of restitution.

13 (e) Contracts entered as provided in this act shall provide for the
14 payment of any amounts collected to the clerk of the municipal court for
15 the court in which the debt being collected originated, after first de-
16 ducting the collection fee. In accounting for amounts collected from any
17 person pursuant to this act, the municipal court clerk shall credit the
18 person's amount owed in the amount of the net proceeds collected and
19 shall not reduce the amount owed by any person by that portion of any
20 payment which constitutes the cost of collection pursuant to this act.

21 (f) With the appropriate cost of collection paid to the contracting
22 agent as agreed upon in the contract, the clerk shall then distribute
23 amounts collected as provided in this act as follows: (1) When collection
24 services are utilized pursuant to subsection (a), all amounts shall be ap-
25 plied against the debts owed to the court as specified in the original
26 judgment creating the debt; or

27 (2) when collection services are utilized pursuant to subsection (d),
28 all amounts shall be paid to the beneficiary under the order of restitution
29 designated to receive such restitution, except that where the beneficiary
30 has received recovery from the Kansas crime victims compensation board
31 and such board has subrogation rights pursuant to K.S.A. 74-7312, and
32 amendments thereto, all amounts shall be paid to the board until the
33 board's subrogation lien is satisfied.

34 (g) Whenever collection services are being utilized against the same
35 debtor pursuant to both subsections (a) and (d), any amounts collected
36 by a contracting agent shall be first applied to satisfy debts as provided
37 under subsection (d), pursuant to an order of restitution. Upon satisfac-
38 tion of all such debts, amounts received from the same debtor shall then
39 be applied to satisfy debts owed to courts as provided under subsection
40 (a).

41 (h) The provisions of this act shall be part of and supplemental to the
42 Kansas code of procedure for municipal courts.

43

1 Sec. 2. This act shall take effect and be in force from and after its
2 publication in the statute book.
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43