



Municipal Court

City of Mission

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February 13, 2024

Rep. Fred Patton, Chair
House Committee on Judiciary
Kansas Capitol Building, Room 582-N
300 West 10th Street
Topeka, Kansas 66612

Re: HB 2755 – Testimony in Opposition

Rep. Patton and Members of the Committee:

I write in my capacity as Municipal Judge for the City of Mission in opposition to HB 2755, which you currently have before you for hearing. In particular, I oppose the provisions that would: (a) require municipal court judges to set secured (not personal recognizance) appearance bonds at the *same* amount, regardless of whether a defendant seeks to post a cash bond or utilize the services of a bondsman (Section 1) and (b) eliminate the municipal judge’s authority to approve and suspend bonding agents authorized to post bonds in their courts.

By way of background, I have been a Kansas Municipal Judge for more than 20 years and a criminal defense attorney in the Kansas City area for over 36 years. I have also been privileged to serve, at one time or another during this period, as a *pro tem* judge in virtually every municipal court in Johnson County, as well as in the Johnson County District Court. I am also currently a Director and the President-Elect of the Kansas Municipal Judge’s Association. That experience has given me substantial exposure to the cash bond systems utilized in Kansas courts.

Elimination of Alternatives to Using a Bondsman. Section 1 of this bill would require that all appearance bonds in municipal court be set at the same amount, regardless of the manner posted. This provision serves no useful purpose, except to deprive municipal court defendants of options to post a secured appearance bond *without* paying a nonrefundable fee to a bondsman. Current law permits a municipal court to set a defendant’s appearance bond at either: (a) a cash amount that must be posted by defendant or someone on their behalf, which is retained by the court so long as the defendant abides by the terms of release, to be either refunded back at the end of the case or applied towards fines, fees and court costs; and/or (b) at an amount secured the agreement of a bonding agent or other approved person to pay in the event the defendant does not appear and a forfeiture is ordered. Currently, courts will often set alternative bonds, to provide defendants with more options to post bond to secure their release from custody. For example, it would not be unusual to set an appearance bond for a municipal court misdemeanor offense at \$1,000 when using a bondsman or other approved person as surety, and at a lesser alternative amount, such as \$250, if the defendant were to post cash. This bill would eliminate the option to post an alternative all-cash bond at a lesser amount.

The current trend in bonding practices is to provide defendants with the most options for posting a bond appropriate to secure their release from custody, while balancing that against the court's need for sufficient security to ensure the defendant's subsequent appearance and compliance. While I do not currently set alternative cash bond amounts in my court (I generally set bonds at the same amount, whether posted through cash or surety), *many* courts do and they should be allowed to continue this well-reasoned and long-standing practice. Eliminating cash bond alternatives to the use of bonding companies is a step backward and deprives courts of useful tools in setting appropriate bonds for the defendants appearing before them. As I see no benefit to this proposed change, other than to further restrict the ability of a municipal defendant to post bond to secure release from custody, I oppose this bill.

Elimination of Municipal Court's Authority to Approve/Suspend Bonding Agents. This bill does appear to establish useful guidelines and qualifications for bonding agents ("compensated surety's") that may be used by district courts when approving their bonding authority. However, the bill also would *require* that municipal courts permit anyone approved by the district court to post bonds in their courts. This would remove the municipal court's current authority to approve bonding companies authorized to post bonds in their courts and their authority to suspend the authority of those who fail to comply with the municipal court's rules and directives. I would submit that this proposal would be particularly bad policy in light of the significant differences that can exist among municipal courts throughout the state and between the municipal courts and their district courts. Many municipal courts in our state are very small operations that utilize particularized forms and policies, increasing the need for bonding agents to be responsive to each court's procedures. Depriving a city or its municipal judge of the authority to approve and suspend bonding companies reduces the agents' incentives to cooperate with and follow those court's rules and policies.

There is great benefit to having bonding companies willing and able to write bonds for municipal court defendants. However, each court should be allowed to retain its existing authority to approve the bonding companies authorized to write bonds in their particular jurisdiction. In my case, I approve any bonding company so long as it is approved by the Johnson County District Court, complies with my court staff and follows our procedures for handling cases. This bill would unnecessarily remove my ability to ensure that compliance. For these reasons I oppose this part of the bill.

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I hope that this information is of assistance to you in considering this piece of legislation.

Thank you very much for your consideration and attention to this matter.

Very truly yours,

/s/ Keith E. Drill
Keith E. Drill, Municipal Judge

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