



## **KANSAS ASSOCIATION OF COURT SERVICES OFFICERS**

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TESTIMONY TO THE HOUSE CORRECTIONS AND JUVENILE JUSTICE COMMITTEE  
KEVIN MURRAY, PRESIDENT

KANSAS ASSOCIATION OF COURT SERVICES OFFICERS (KACSO)  
ON HB 2345 – DISTRIBUTION OF CERTAIN LICENSE APPLICATION FEES AND FINES FROM  
DUI AND RELATED OFFENSES TO COMMUNITY CORRECTIONS AND COURT SERVICES  
FEBRUARY 21, 2013

Representative Rubin and Members of the Committee:

Good afternoon. I would like to thank you for this opportunity to appear and present testimony regarding HB 2345. My name is Kevin Murray, and I am the Chief Court Services Officer for the 21<sup>st</sup> Judicial District, comprised of Riley and Clay counties. In addition, I am the president of the Kansas Association of Court Services Officers, and it is in that capacity that I appear here today.

Very briefly, CSOs are employed within all 31 judicial districts and provide invaluable services to the District Courts of Kansas. These duties include but are not limited to: preparing presentence investigation reports on felony and misdemeanor convictions, supervising adult and juvenile offenders placed on probation, supervising pretrial and appeal bond defendants, conducting child custody investigations, mediation services, and providing Child in Need of Care (CINC) services.

On behalf of the KACSO membership, I urge the committee to act in support of HB 2345, specifically Section 1 (p), Section 2 (h), Section 3 (n), Section 4 (2), and Section 5 as outlined below:

Section 1 (p) on and after July 1, 2011, the amount of \$250 from each fine imposed pursuant to this section shall be remitted by the clerk of the district court to the state treasurer in accordance with the provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt of each such remittance, the state treasurer shall *deposit* the entire amount *in the state treasury and credit 33%* to the community corrections supervision fund established by K.S.A. 2012 Supp. 75-52,113, and amendments thereto, *and 67% to the correctional supervision fund established by K.S.A. 2012 Supp. 21-6607, and amendments thereto.*

Section 2 (h) the division shall remit all application fees collected pursuant to subsections (a) and (g) to the state treasurer in accordance with the provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt of each such remittance, the state treasurer shall deposit the entire amount in the state treasury and shall credit such moneys to the division of vehicles operating fund until an aggregate amount of \$100,000 is credited to the division of vehicles operating fund each fiscal year. On and after an aggregate amount of \$100,000 is credited to such fund each fiscal year, *the state treasurer shall credit 33%* of such remittance to the community corrections supervision fund created by K.S.A. 2012 Supp. 75-52,113, and amendments thereto, *and 67% of such remittance to the correctional supervision fund created by K.S.A. 2012 Supp. 21-6607, and amendments thereto.* The application fee established in this section shall be the only fee collected or moneys in the nature of a fee collected for such application. Such fee shall only be established by an act of the legislature and no other authority is established by law or otherwise to collect a fee.

Section 3 (n) on and after July 1, 2012, the amount of \$250 from each fine imposed pursuant to this section shall be remitted by the clerk of the district court to the state treasurer in accordance with the provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt of each such remittance, the state treasurer shall *deposit* the entire amount *in the state treasury and credit 33%* to the community corrections

*The mission of the Kansas Association of Court Services Officers is to challenge, educate, support and advocate for the membership by promoting fellowship and professionalism, providing relevant training opportunities and maintaining communication with all members. The organization will further this mission by encouraging collaboration with our Court Services Officers and professional organizations and by recognizing member excellence.*

supervision fund established by K.S.A. 2012 Supp. 75-52,113, and amendments thereto, *and 67% to the correctional supervision fund established by K.S.A. 2012 Supp. 21-6607, and amendments thereto.*

Section 4 (2) on and after July 1, 2011, the amount of \$250 from each fine imposed pursuant to this section shall be remitted by the clerk of the district court to the state treasurer in accordance with the provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt of each such remittance, the state treasurer shall *deposit* the entire amount *in the state treasury and credit 33% to the community corrections supervision fund established by K.S.A. 2012 Supp. 75-52,113, and amendments thereto, and 67% to the correctional supervision fund established by K.S.A. 2012 Supp. 21-6607, and amendments thereto.*

Section 5. K.S.A. 2012 Supp. 12-4120 is hereby amended to read as follows: 12-4120. On and after July 1, 2012, the amount of \$250 from each fine imposed for a violation of a city ordinance prohibiting the acts prohibited by K.S.A. 8-1567 or 8-2,144 or K.S.A. 2012 Supp. 8-1025, and amendments thereto, shall be remitted by the judge or clerk of the municipal court to the state treasurer in accordance with the provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt of each such remittance, the state treasurer shall *deposit* the entire amount *in the state treasury and credit 33% to the community corrections supervision fund established by K.S.A. 2012 Supp. 75-52,113, and amendments thereto, and 67% to the correctional supervision fund established by K.S.A. 2012 Supp. 21-6607, and amendments thereto.*

2011 H. Sub. SB 6, which went on to be amended during the 2012 legislative session through the enactment of 2012 H. Sub. SB 60 increased the fines on all 1<sup>st</sup>, 2<sup>nd</sup>, and 3<sup>rd</sup> DUI offenses by \$250. The fines paid by DUI offenders are collected through municipal and district courts, which are in return forwarded to the Community Corrections Supervision Fund (K.S.A. 75-52,113). After the first year of implementation of 2011 H. Sub. SB 6, the balance of the fund totaled approximately \$350,000, and is only expected to increase with an entire year of activity, the criminalization of testing refusals, and amendments affirming the requirements of municipal courts to receipt fees to the Fund. In addition to the DUI fines, an annual \$100 application fee was also included in the enactment of 2012 H. Sub. SB 60 and is assessed against anyone applying for restricted driving privileges through the use of an ignition interlock device. The first \$100,000 generated each fiscal year from the interlock application fee is directed to the Department of Revenue Division of Vehicles, with the remainder of the fees being credited to the Community Corrections Supervision Fund.

While DUI offenders are under the jurisdiction of the district court, collection of the mandatory DUI fines and compliance with the requirements of the ignition interlock device are monitored through one of two probation supervision entities, court services or community corrections. Upon review of court case disposition data in September 2012, it shows since the enactment of 2011 H. Sub. SB 6, court services supervises approximately 67% of the DUI cases, with community corrections supervising approximately 9%. The remaining offenders, at the time of the data collection, were either in jail, on diversion, ADSAP (alcohol drug safety action program) supervision, or on some other non-supervised status. A further review of disposition data on DUI convictions during FY 2009 showed a collection rate of approximately 74.5% on DUI cases assigned to probation supervision with court services, for a grand total of \$4.1 million.

Due to court services providing the clear majority of supervision services to these offenders, KACSO supports the passage of HB 2345 and the proposed remittance 67 % of the \$250 fine on all DUI and testing refusal offenses and 67% of the ignition interlock application fee, both of which are currently being directed toward the Community Corrections Supervision Fund.

I would like to thank you once again for this opportunity to appear before your committee. I will now stand for questions.