

SESSION OF 2014

**SUPPLEMENTAL NOTE ON SENATE BILL NO. 288**

As Recommended by Senate Committee on  
Judiciary

**Brief\***

SB 288 would create new law allowing the chief judge of a judicial district to contract with a licensed attorney for collection services for debts owed to courts or restitution owed and provide for a fee to be paid to or retained by the contracting attorney for such services. The cost of collection would be paid from the amount collected, but would not be deducted from the debts owed to courts or restitution. Beginning July 1, 2014, the cost of such collection would be assessed to a defendant as an additional court cost in all criminal, traffic, and juvenile offender cases. Judicial districts would be authorized to establish local rule guidelines for the compromise of court costs, fines, attorney fees, and other charges assessed in cases. A beneficiary of an order of restitution entered after July 1, 2014, would be authorized to utilize the collection services of contracting attorneys under this section. Contracts under the section would direct payment to the clerk of the court in which the debt originated, after deduction of the collection fee. After the cost of collection has been paid, the clerk would be directed to apply amounts received against the debts owed to the court as specified in the judgment creating the debt or, in the case of restitution, to pay the beneficiary under the order of restitution. The Kansas Crime Victims Compensation Board would have subrogation rights as to any amount collected where the beneficiary of an order of restitution has received recovery from the Board. Where collection services are being used against the same debtor to collect debts owed to the court as well as restitution, any amounts collected would first be applied to satisfy restitution before satisfying debts owed to the courts. The bill would define various terms used in the new section.

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\*Supplemental notes are prepared by the Legislative Research Department and do not express legislative intent. The supplemental note and fiscal note for this bill may be accessed on the Internet at <http://www.kslegislature.org>

The bill would amend various docket fee and judicial surcharge provisions to waive such charges for contracting agents or attorneys acting under a contract with the Attorney General or with the chief judge of a judicial district to provide collection services for debts owed to a court or restitution owed under an order of restitution.

## **Background**

The bill was introduced by the Senate Judiciary Committee at the request of Senator King, who explained that the bill was derived from recommendations made in the 2012 report by the Kansas Supreme Court's Blue Ribbon Commission. The Blue Ribbon Commission was formed in late 2010 and was charged with reviewing the operations of Kansas courts to determine how to improve their efficiency while maintaining access to justice for all Kansans.

In the Senate Committee, a representative of the Kansas District Judges' Association testified in support of the bill. Written testimony supporting the bill was received from a member of the Blue Ribbon Commission. The Chair of the Blue Ribbon Commission, Court of Appeals Judge Patrick McAnany, appeared on behalf of the Commission and the Kansas Supreme Court to request further consideration of issues related to the bill upon the release of a pending report from an Office of Judicial Administration committee studying debt collection.

According to the fiscal note on the bill prepared by the Division of the Budget, the Office of Judicial Administration indicates the bill would increase administrative costs, as well as judicial and nonjudicial personnel costs to process and hear debt collection cases that are more aggressively pursued. The bill could have a fiscal effect on revenues, but an accurate estimate of the fiscal effect on the Judicial Branch cannot be provided until courts have operated with the provisions of the bill in place.