

February 13, 2015

The Honorable Jeff King, Chairperson  
Senate Committee on Judiciary  
Statehouse, Room 341-E  
Topeka, Kansas 66612

Dear Senator King:

**SUBJECT:** Fiscal Note for SB 140 by Senate Committee on Judiciary

In accordance with KSA 75-3715a, the following fiscal note concerning SB 140 is respectfully submitted to your committee.

Under current law, when a defendant fails to appear as directed by the court, the court must declare a forfeiture of the appearance bond, unless the court determines that justice does not require the enforcement of the forfeiture. Current law does not stipulate how the forfeiture process is initiated. SB 140 would clarify that the county or district attorney must first file a motion for a default judgment in order for the court to enter a judgment.

According to the Office of Judicial Administration, SB 140 could result in an increase in motions for judgments of default when a criminal defendant forfeits bond and the forfeiture has not been set aside. This would increase bond forfeiture revenue which, under current law, is divided among the County General Fund (40.0 percent), the Indigents' Defense Services Fund (30.0 percent), and the State General Fund (30.0 percent). However, the precise fiscal effect is difficult to estimate because the number of additional motions that would result from passage of the bill is unknown. Any fiscal effect associated with SB 140 is not reflected in *The FY 2016 Governor's Budget Report*.

Sincerely,



Shawn Sullivan,  
Director of the Budget

cc: Melissa Wangemann, KAC  
Mary Rinehart, Judiciary