

HOUSE BILL No. 2053

By Committee on Judiciary

1-12

1 AN ACT concerning courts; relating to collection of debts owed to the
2 courts; domestic cases; amending K.S.A. 2016 Supp. 20-169 and
3 repealing the existing section.
4

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

6 Section 1. K.S.A. 2016 Supp. 20-169 is hereby amended to read as
7 follows: 20-169. (a) The judicial administrator is authorized to enter into
8 contracts in accordance with this section for collection services for debts
9 owed to courts or restitution owed under an order of restitution. On and
10 after July 1, 1999, the cost of collection shall be paid by the defendant as
11 an additional court cost in all criminal, traffic, *domestic* and juvenile
12 offender cases where the defendant fails to pay any amount ordered by the
13 court and the court utilizes the services of a contracting agent pursuant to
14 this section. The cost of collection shall be deemed an administrative fee to
15 pay the actual costs of collection made necessary by the defendant's failure
16 to pay court debt and restitution.

17 (b) As used in this section:

18 (1) "Beneficiary under an order of restitution" means the victim or
19 victims of a crime to whom a district court has ordered restitution be paid;

20 (2) "contracting agent" means a person, firm, agency or other entity
21 who contracts hereunder to provide collection services;

22 (3) "cost of collection" means the fee specified in contracts hereunder
23 to be paid to or retained by a contracting agent for collection services. Cost
24 of collection also includes any filing fee required under K.S.A. 60-4303,
25 and amendments thereto, or administrative costs prescribed by rules of the
26 supreme court; and

27 (4) "debts owed to courts" means any assessment of court costs, fines,
28 fees, moneys expended by the state in providing counsel and other defense
29 services to indigent defendants or other charges which a district court
30 judgment has ordered to be paid to the court, and which remain unpaid in
31 whole or in part, and includes any interest or penalties on such unpaid
32 amounts as provided for in the judgment or by law. "Debts owed to courts"
33 also includes: (A) The cost of collection when collection services of a
34 contracting agent hereunder are utilized; and (B) court costs, fines, fees or
35 other charges arising from failure to comply with a traffic citation within
36 30 days from the date of the mailing of the notice pursuant to K.S.A. 8-

1 2110(b)(1), and amendments thereto.

2 (c) (1) Contracts authorized by this section may be entered into with
3 state or federal agencies or political subdivisions of the state of Kansas,
4 including contracts for participation in the collection program authorized
5 by K.S.A. 75-6201 et seq., and amendments thereto. Such contracts also
6 may be entered into with private firms or individuals selected by a
7 procurement negotiation committee in accordance with K.S.A. 75-37,102,
8 and amendments thereto, except that the judicial administrator shall
9 designate a representative to serve as the chief administrative officer
10 member of such committee and that the other two members of such
11 committee shall be designated by the director of purchases and the judicial
12 administrator.

13 (2) Prior to negotiating any contract for collection services, this
14 procurement negotiation committee shall advertise for proposals, negotiate
15 with firms and individuals submitting proposals and select among those
16 submitting such proposals the party or parties to contract with for the
17 purpose of collection services.

18 (3) The supreme court may adopt rules as deemed appropriate for the
19 administration of this section, including procedures to be used in the
20 negotiation and execution of contracts pursuant to this section and
21 procedures to be followed by those who utilize collection services under
22 such contracts.

23 (4) For purposes of this section, the agencies, firms or individuals
24 with whom contracts are entered under this section shall be known as
25 contracting agents. The judicial administrator shall publish a list of the
26 contracting agents for use by courts or beneficiaries under orders of
27 restitution who desire to utilize the collection services of such agents.

28 (5) Each contract entered pursuant to this section shall provide for a
29 fee to be paid to or retained by the contracting agent for collection
30 services. Such fee shall be designated as the cost of collection hereunder,
31 and shall not exceed 33% of the amount collected. The cost of collection
32 shall be paid from the amount collected, but shall not be deducted from the
33 debts owed to courts or restitution. If a contracting agent uses the debt
34 setoff procedures pursuant to K.S.A. 75-6202 et seq., and amendments
35 thereto, to recover debts owed to the courts, the contracting agent's cost of
36 collection for debt recovered through that program shall be the amount
37 established by contract minus the collection assistance fee imposed by the
38 director of accounts and reports of the department of administration
39 pursuant to K.S.A. 75-6210, and amendments thereto.

40 (d) Judicial districts of the state of Kansas are authorized to utilize the
41 collection services of contracting agents pursuant to this section for the
42 purpose of collecting all outstanding debts owed to courts. Subject to rules
43 and orders of the Kansas supreme court, each judicial district may

1 establish by local rule guidelines for the compromise of court costs, fines,
2 attorney fees and other charges assessed in district court cases.

3 (e) Any beneficiary under an order of restitution entered by a court
4 after this section takes effect is authorized to utilize the collection services
5 of contracting agents pursuant to this section for the purpose of collecting
6 all outstanding amounts owed under such order of restitution.

7 (f) Contracts entered hereunder shall provide for the payment of any
8 amounts collected to the clerk of the district court for the court in which
9 the debt being collected originated, after first deducting the collection fee.
10 In accounting for amounts collected from any person pursuant to this
11 section, the district court clerk shall credit the person's amount owed in the
12 amount of the net proceeds collected and shall not reduce the amount
13 owed by any person by that portion of any payment which constitutes the
14 cost of collection pursuant to this section.

15 (g) With the appropriate cost of collection paid to the contracting
16 agent as agreed upon in the contract hereunder, the clerk shall then
17 distribute amounts collected hereunder as follows:

18 (1) When collection services are utilized pursuant to subsection (d),
19 all amounts shall be applied against the debts owed to the court as
20 specified in the original judgment creating the debt;

21 (2) when collection services are utilized pursuant to subsection (e), all
22 amounts shall be paid to the beneficiary under the order of restitution
23 designated to receive such restitution, except where that beneficiary has
24 received recovery from the Kansas crime victims compensation board and
25 such board has subrogation rights pursuant to K.S.A. 74-7312, and
26 amendments thereto, in which case all amounts shall be paid to the board
27 until its subrogation lien is satisfied.

28 (h) Whenever collection services are being utilized against the same
29 debtor pursuant to both subsections (d) and (e), any amounts collected by a
30 contracting agent shall be first applied to satisfy subsection (e) debts, debts
31 pursuant to an order of restitution. Upon satisfaction of all such debts,
32 amounts received from the same debtor shall then be applied to satisfy
33 subsection (d) debts, debts owed to courts.

34 Sec. 2. K.S.A. 2016 Supp. 20-169 is hereby repealed.

35 Sec. 3. This act shall take effect and be in force from and after its
36 publication in the statute book.