



SUPREME COURT OF KANSAS

KANSAS JUDICIAL CENTER

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TOPEKA, KANSAS 66612-1507

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Chairman Patton and members of the committee:

Thank you for the opportunity to provide testimony in support of HB 2211.

In 2017, the Kansas Supreme Court established the Ad Hoc Committee on Bonding Practices, Fines, and Fees in Municipal Courts. This committee was charged with reviewing pretrial bonding practices in Kansas municipal courts, as well as the fines and fees levied against defendants. This included an examination of methods used by courts in other jurisdictions to reduce the likelihood that serious adverse consequences are imposed solely for non-payment of fees and fines. The committee was directed to develop a "best practices" model for Kansas municipal courts.

The ad hoc committee issued its recommendations to the judicial administrator and the executive director of the League of Kansas Municipalities in September 2018. Among many other topics, its report included a discussion of the process used to suspend a driver's license for failure to comply with a traffic citation under K.S.A. 8-2110. The committee noted that once a license is suspended a person must not only pay all fines due, but also pay a fee of \$122 per charge to obtain reinstatement of the license. There is no allowance in statute for a judge to consider a defendant's economic circumstances when requiring payment of this fee.

HB 2211 seeks to implement one committee recommendation that would help alleviate the financial strain imposed on persons who are unable to pay all fines and fees associated with a traffic citation when a driver's license has been suspended due to noncompliance with the citation. It would permit a person to petition the court for waiver or reduction of the reinstatement fee upon a showing that the fee will impose a manifest hardship on the person or the person's immediate family. This concept of "manifest hardship" is one that appears in other statutes that permit consideration of financial resources when imposing certain costs and fees (see, e.g., K.S.A. 12-4509; K.S.A. 22-4529; K.S.A. 22-4513).

The ad hoc committee anticipates that this step towards making the driver's license reinstatement process more affordable may help indigent persons get back on the road – legally – a necessity in many parts of the state for maintaining gainful employment and meeting daily needs. It may also serve to encourage payment of fines if the court can offer a reduction or waiver of the reinstatement fee once those fines are paid.

We appreciate your consideration of this proposal. I am happy to stand for questions.