

March 17, 2020

The Honorable Rick Wilborn, Chairperson
Senate Committee on Judiciary
Statehouse, Room 541C-E
Topeka, Kansas 66612

Dear Senator Wilborn:

SUBJECT: Fiscal Note for SB 497 by Senate Committee on Assessment and Taxation

In accordance with KSA 75-3715a, the following fiscal note concerning SB 497 is respectfully submitted to your committee.

SB 497 would require restitution to be due immediately unless the court gives the defendant a specified time to pay or allows the defendant to pay in specified installments. If a restitution order entered prior to the effective date of this Act does not give the defendant a specified time to pay or set payment in specified installments, the defendant would be allowed to file a motion with the court prior to December 31, 2020, proposing payment of restitution in specified installments. The court would be authorized to recall the restitution order from collections until the court rules on the motion. If the court does not order payment in specified installments or if the defendant does not file a motion prior to December 31, 2020, the restitution would be due immediately. The bill includes clarifying and technical amendments.

The Office of Judicial Administration (OJA) indicates a recent Kansas Court of Appeals decision requires a payment plan be implemented before a case involving restitution can be sent to collections, increasing time spent by judicial and nonjudicial personnel in processing and implementing payment plans and potentially tracking and resentencing defendants. OJA indicates the enactment of SB 497 would reverse the implications of the *Roberts* decision; therefore, reducing these future expenditures. OJA indicates the bill could also have a fiscal effect on revenues to the Judicial Branch. However, OJA indicates a fiscal effect of expenditures and revenues to the Judicial Branch cannot be estimated.

The Office of the Attorney General indicates SB 497 would result in additional litigation costs in cases where restitution has been ordered and payment plans have not been made by the

court. The agency indicates it cannot estimate the fiscal effect of the bill, since the number of defendants who may file motions under the new provision asking for a payment plan to be set is unknown. Any fiscal effect associated with SB 497 is not reflected in *The FY 2021 Governor's Budget Report*.

Sincerely,

A handwritten signature in cursive script that reads "L. L. Campbell". The signature is written in black ink and is positioned above the printed name and title.

Larry L. Campbell
Director of the Budget

cc: Mary Rinehart, Judiciary
Willie Prescott, Office of the Attorney General