

HB 2226. Stephen B. Angermayer.2-05-21.Opp

My name is Steve Angermayer. I have practiced law for 32 years. I am currently the city attorney and municipal prosecutor for the City of Frontenac, KS and the City of Girard, KS.

House Bill 2226 will involve a lot of work and is an unfunded mandate.

I prosecute for two small municipalities. Many of our small communities have an active police department. They investigate crimes, and they write tickets. Sometimes a lot.

The municipal court hears misdemeanors, traffic citations, and infractions. The volume can be large at times. A view of the dispatcher's daily call log would bear this out.

Many of the prosecutors for the smaller communities are part-time and run the court with a skeleton staff. These staff persons are excellent people who are typically overworked. Often, they not only perform clerk duties, but also perform other staff duties for the municipality. We try to take care of them.

This mandate will fall on the clerk, if the municipality has one, to keep track of this data. If there is no clerk, that too is a problem. I know many municipal prosecutors, again who are part-time, do not keep the files in their offices. They rely on the clerk or the police department to run the small municipal courts.

While it may be a well-intended bill, the sheer responsibility is greatly outweighed by the benefit from this task. Since the state is not funding this, I do not see a small city council increasing the pay for the prosecutor or hiring additional help to calendar and keep track of this mandate. Many of the smaller jurisdictions operate on a small budget. While we all have computers, I suspect that some sort of software will have to be purchased. And someone will have to enter and keep track of the information. The volume of work will be massive. Our dockets are already overloaded, and this will triple the docket.

If passed, the municipal court will have to deal with the following:

- the pleadings,
- the notice,
- the hearing,
- the order,
- and other additional work.

From a notice standpoint, we will have to obtain constitutional notice to a victim in all of these potentially hundreds of cases. That will be a challenge.

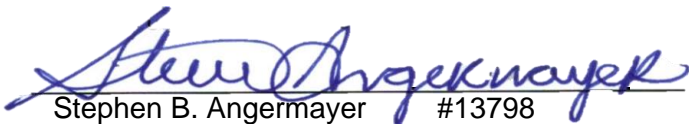
Our clerks, and police chiefs do not support HB2226. There will a backlash from our Council if this bill passes. The hours to implement and keep track of this task is going to be a burden. From a practical point, this not a good idea.

From a theory point of view, I am puzzled why we must expunge the record of persons who, by their own unlawful actions, were brought before a court and convicted. This proposed mandate requires us to keep track of a burdensome task, so the convicted person, who apparently cannot take some personal accountability and clean up their storied past, can have yet one more thing given to them.

I am left wondering what happened to a person taking personal responsibility for their actions rather than handholding the wrongdoer.

I am in a trial on the Bill Hearing Date otherwise I would have appeared to discuss the Bill.

I and our Municipalities respectfully oppose this Bill.



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