

January 26, 2023

The Honorable Stephen Owens, Chairperson  
House Committee on Corrections and Juvenile Justice  
300 SW 10th Avenue, Room 546-S  
Topeka, Kansas 66612

Dear Representative Owens:

**SUBJECT:** Fiscal Note for HB 2073 by House Committee on Corrections and Juvenile Justice

In accordance with KSA 75-3715a, the following fiscal note concerning HB 2073 is respectfully submitted to your committee.

HB 2073 would prohibit any fines, fees, costs, court expenses, reimbursements, or other financial obligations to be ordered, assessed, or sought against a juvenile or a juvenile's parent, guardian, or custodian. On and after July 1, 2023, any outstanding court ordered financial obligations owed by a juvenile or juvenile's parent, guardian, or custodian that were assessed would be discharged and would not be collected. The bill would require any juvenile under supervision solely from outstanding financial obligations to be immediately discharged. Any juvenile, parent, or guardian incarcerated in a correctional facility, jail, juvenile correctional facility, or juvenile detention facility solely from nonpayment of any court ordered financial obligation would be immediately released. However, the provisions would not apply to restitution that is owed by a juvenile.

The bill would also prohibit the collection of fees owed to a county or city for booking or processing; supervision costs associated with a house arrest program; law library fees; fees from sheriff's offices to register juveniles under the Kansas Offender Registration Act; Judicial Branch surcharges in addition to bonds, liens, and judgment fees; fees for the prosecuting attorneys' training fund; fees for forensic science or laboratory services, forensic computer examination services, or forensic audio and video examination services; or DNA database fees in juvenile offender cases. The bill would require the expense of an appointed attorney for a juvenile to be paid from the county's general fund as opposed to the juvenile or their parent, guardian, or custodian.

The bill would prohibit docket fees and surcharges for petitions for expungement in juvenile cases and would not allow a court to deny or delay processing a petition due to unpaid fees or financial obligations. Costs assessed on people responsible for a juvenile related to the

care and custody of the juvenile would no longer be allowed to be collected under the bill. Costs imposed on a juvenile or their parent, guardian, or custodian for an immediate intervention program would not be allowed to be assessed under the bill, but a juvenile would be eligible to participate in such a program and could not be denied access due to unpaid fees or costs.

The bill would also prohibit courts from ordering parents to pay child support if a juvenile is found incompetent and committed for evaluation. Under current law, if a district court orders a mental health evaluation for a juvenile, parents have a right to a second independent evaluation, but may be required to pay any associated costs of the evaluation. HB 2073 would require the second independent evaluation to be at no cost to the parents.

The bill would also amend the sentencing alternatives section in the Revised Kansas Juvenile Justice Code law to:

1. Prohibit courts to order repayment of costs or fees by the juvenile or juvenile's parent, guardian, or custodian if the juvenile is ordered to participate in a community-based program;
2. Prohibit courts from ordering child support if the juvenile is vested in someone other than the parent and would prohibit the court from ordering other financial terms or conditions;
3. Eliminate the ability for a court to order the juvenile to pay a fine upon adjudication;
4. Prohibit any requirement that the juvenile or juvenile's parent, guardian, or custodian pay costs or fees associated with house arrest, electronic monitoring, or remote alcohol testing if the juvenile is placed under a house arrest program;
5. Delete provisions authorizing the court to place the juvenile in the custody of the Secretary of Corrections in certain situations;
6. Eliminate the requirement that someone obligated to pay for the care of the juvenile pay child support if the court finds that the juvenile poses a significant risk of harm to another or damage to property and the court commits the juvenile to the custody of the Secretary of Corrections for placement in a juvenile correctional facility or youth residential facility;
7. Prohibit costs for counseling or mediation ordered by the court;
8. Eliminate a requirement that juveniles would be required to pay a fee for drug and alcohol evaluations;
9. Eliminate a provision authorizing the court to order a juvenile to redo a drug and alcohol evaluation if the evaluation occurred more than 12 months before sentencing;
10. Add a provision that the court cannot assess a fee for a drug evaluation or program, including any ongoing required drug and alcohol testing;
11. Eliminate all provisions that authorizes the court to impose a fine when a juvenile is adjudicated;

12. Add a provision that a court cannot order detention of the juvenile for nonpayment of fines, costs, fees, or restitution where nonpayment constitutes a violation of the Sentencing Commission; and
13. Add a provision that when the court orders commitment of the juvenile to a detention facility because the juvenile poses a significant risk of harm to another or damage to property, the findings from the court cannot be based on nonpayment of financial obligations or the juvenile's noncompliance with any sentencing conditions requiring the juvenile or juvenile's parent, guardian, or custodian to pay money in order to comply.

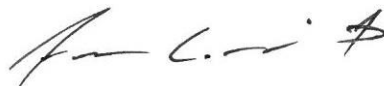
HB 2073 would amend current law to prohibit parents or juveniles from being responsible for the costs of evidence-based programs or parenting classes. If a juvenile offender case is appealed, the bill would require the attorney appointed to represent the juvenile, along with transcript and records costs, to be paid from the county general fund and not subject to reimbursement by the juvenile or their parent, guardian, or custodian. The bill would take effect upon publication in the statute book.

The Office of Judicial Administration indicates enactment of the bill would have a negligible effect on expenditures and revenues of the Judicial Branch; however, the bill would result in a decrease in revenue for various state funds and the State General Fund and a precise fiscal effect cannot be estimated. The total amount of juvenile fees assessed from FY 2016 through FY 2021 are as follows:

FY 2016	\$653,344
FY 2017	\$621,625
FY 2018	\$548,970
FY 2019	\$550,925
FY 2020	\$495,301
FY 2021	\$301,809

The Sentencing Commission and the Department of Corrections indicate enactment of the bill would not have a fiscal effect on the agencies. Any fiscal effect associated with HB 2073 is not reflected in *The FY 2024 Governor's Budget Report*.

Sincerely,



Adam Proffitt  
Director of the Budget

cc: Randy Bowman, Department of Corrections  
Scott Schultz, Sentencing Commission  
Vicki Jacobsen, Judiciary