



To: Hon. Fred Patton, Chair, House Judiciary
From: Brandon L. Jones, Franklin County Attorney and KCDAAs President
Date: February 5, 2021

Re: Testimony in Opposition of HB 2226

Hon. Chairman Patton and members of the House Judiciary Committee:

Thank you for the opportunity to provide testimony in opposition of HB 2226. My name is Brandon L. Jones and I am the Franklin County Attorney, but I am writing on behalf of the Kansas County and District Attorneys Association (KCDAAs) as the current President of that organization.

HB 2226 is proposed legislation to amend K.S.A. 21-6614 to create automatic expungement of conviction and related arrest records in this state for a traffic infraction, cigarette or tobacco infraction, misdemeanor or a class D or E felony, or for crimes committed on or after July 1, 1993, any non-grid felony or felony ranked in severity levels 6 through 10 of the nondrug grid, or for crimes committed on or after July 1, 1993, but prior to July 1, 2012, any felony ranked in severity level 4 of the drug grid, or for crimes committed on or after July 1, 2012, any felony ranked in severity level 5 of the drug grid if three or more years have elapsed since the defendant was convicted of such offense. Further, the amendment would require the county or district attorney in the convicting court to file the expungement petition instead of requiring the defendant to do so as has always been the law.

KCDAAs is adamantly opposed to this legislation creating automatic expungements on thousands of offenses annually instead of leaving the burden on the defendant to petition the Court and prove they have moved away from their prior behavior. Further, the KCDAAs is strongly opposed to putting the burden on district and county attorney offices across the state, many that are already underfunded, understaffed, and overburdened, to be required to prepare these documents and file them with the courts instead of continuing to have the defendants do this for themselves. I cannot understate the incredible increase in amount of work this will create for prosecutor offices across the state.

The KCDAAs certainly understands the need for defendants to be able to move on with their lives and not continually be affected by their criminal history, but there also need to be some personally accountability for those who commit crimes. The current system is not unreasonable or burdensome on the defendant. It simply requires them to fill-out some paperwork and submit it to the court. The State then has a chance to make sure the defendant has remained law abiding and waited the required time for expungement. If so, the State signs off on the expungement and they are almost always granted. The KCDAAs would not oppose waiver of filing fees or even suggestions to make this process easier on defendants, but we adamantly oppose this being an automatic right and shifting the burden to the State to file the petitions and orders.

Thank you for the opportunity to appear and testify in opposition of HB 2226. I respectfully request that the committee report HB 2226 unfavorably for passage. I am available for questions at the appropriate time.

Respectfully submitted,

A handwritten signature in cursive script that reads "Brandon L. Jones". The signature is written in black ink and is positioned above the typed name.

Franklin County Attorney
President, Kansas County and District Attorneys Association