

March 7, 2014

The Honorable Lance Kinzer, Chairperson
House Committee on Judiciary
Statehouse, Room 165-W
Topeka, Kansas 66612

Dear Representative Kinzer:

SUBJECT: Fiscal Note for HB 2637 by House Committee on Judiciary

In accordance with KSA 75-3715a, the following fiscal note concerning HB 2637 is respectfully submitted to your committee.

HB 2637 would amend the Protection from Stalking Act by allowing any person against whom a protection from stalking order was filed to petition the district court for an expungement of the official court record. The bill specifies court procedures that must be followed if a petition for expungement is filed, with a docket fee of \$100 for each expungement petition filed under the new provisions. From July 1, 2014 through July 1, 2015, the Supreme Court would be allowed to assess a surcharge of no more than \$19 per docket fee to fund the cost of nonjudicial personnel. For any person against whom a protection from stalking order was filed, but not issued, no surcharge or fee could be imposed. The bill lists the information that must be stated in the petition; the findings upon which the court could order a protection from stalking order expunged; the information that must be stated in the expungement order; and the instances in which the expungement order must be made available in the interests of public welfare. An order of expungement would not be subject to disclosure unless otherwise stated in the bill.

The Office of Judicial Administration indicates that HB 2637 would increase expenditures for the Judicial Branch since it creates a new circumstance under which expungements may be filed, requiring additional time spent by judicial and nonjudicial personnel in processing, researching, and hearing cases. The Judiciary also indicates the bill would increase expenditures for additional clerk time researching whether or not a final order of protection from stalking was issued to determine whether to impose a docket fee and surcharge. The Judicial Administration indicates that it is unlikely that the increased filings would result in the collection of a measurable amount of docket fees and surcharge fees since the bill would stipulate that the fees could not be issued to persons against whom a protection from stalking order was not issued. However, until the courts have had an opportunity operate with the provisions of HB 2637 in place, a precise fiscal effect on the expenditures or revenues of the

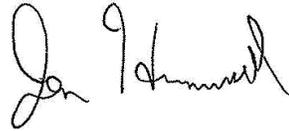
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Judicial Branch cannot be provided. Any fiscal effect associated with HB 2637 is not reflected in *The FY 2015 Governor's Budget Report*.

Sincerely,

A handwritten signature in black ink, appearing to read "Jon Hummell". The signature is written in a cursive style with a large initial "J" and "H".

Jon Hummell,
Interim Director of the Budget

cc: Mary Rinehart, Judiciary