

April 3, 2015

The Honorable John Barker, Chairperson
House Committee on Judiciary
Statehouse, Room 149-S
Topeka, Kansas 66612

Dear Representative Barker:

SUBJECT: Fiscal Note for HB 2363 by House Committee on General Government
Budget

In accordance with KSA 75-3715a, the following fiscal note concerning HB 2363 is respectfully submitted to your committee.

Current law requires a district court in each Kansas county. HB 2363 would modify this statute to require a district court in each of the 31 judicial districts. Jurisdiction for each court would be determined by the Chief Justice of the Kansas Supreme Court. The chief judge of each judicial district would be authorized to assign cases to any county within the judicial district. Venue would be declared proper in any county within the judicial district for various actions rather than in only the relevant county or counties. Change of venue proceedings under the Kansas Code of Criminal Procedure would be amended to allow transfers under certain circumstances from one judicial district to another rather than from one county to another. However, the originating county would remain liable for the payment of expenses. If a defendant is transferred, the court would be permitted to order the defendant confined in any county jail within the judicial district to which the defendant was transferred. Similarly, the Kansas Code of Civil Procedure would be amended with regard to change of venue to reflect that an action may be transferred to another judicial district, rather than on a county-to-county basis. Several other statutes would be amended to clarify its application to a judicial district as a whole, rather than a district court within one county.

The bill would modify residency requirements for nomination, election, or appointment of district court judges to provide that the person must establish residency in the relevant judicial district before taking oath of office if the person is not a resident of the judicial district at the time of nomination. The bill would modify the rules and procedure for eliminating district magistrate judges by allowing the Supreme Court to eliminate or reassign a district magistrate judge position if it's determined the position is unnecessary due to the ability of the remaining judges to assume that workload. The county commission could retain and pay a district magistrate judge position that is eliminated or reassigned. Savings from district magistrate judge

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positions that are eliminated or reassigned would be remitted to the newly created District Magistrate Judge Compensation Fund. The bill would make other changes pertaining to various judicial election and retention practices.

The Office of Judicial Administration indicates the enactment of HB 2363 would not require additional expenditures for the Judicial Branch. The Office indicates the earliest a district magistrate judge position could be eliminated or reassigned would be January 2017. Counties would incur additional costs for salaries and wages should one choose to retain a district magistrate judge position that is eliminated or reassigned by the Judicial Branch. Until the courts have had an opportunity to operate with the provisions of HB 2363 in place, its fiscal effect on Judicial Branch expenditures cannot be estimated.

Sincerely,

A handwritten signature in black ink, appearing to read "Shawn Sullivan", with a horizontal line extending to the right.

Shawn Sullivan,
Director of the Budget

cc: Mary Rinehart, Judiciary
Melissa Wangemann, Association of Counties