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MEMORANDUM

To: Senate Committee on Judiciary
From: Office of Revisor of Statutes
Date: March 14, 2022
Subject: Bill Brief for HB 2608

House Bill 2608 removes provisions authorizing criminal restitution to be enforced as a civil judgment and authorizes judicial districts to contract for collection services for criminal restitution.

Section 1 amends K.S.A. 20-169, which is the statute that authorizes the judicial administrator to enter into contracts for collection services for debts owed to courts or restitution owed under an order of restitution. Subsection (e) is amended to provide that judicial districts are authorized to utilize the collection services of contracting agents pursuant to this section for the purpose of collection restitution owed under an order of restitution.

Section 2 amends K.S.A. 21-6604, which is the statute that provides for sentencing options after a person has been found guilty of a crime. Subsection (b)(2) is amended to clarify that garnishment as a method of collecting restitution shall be conducted pursuant to article 7 of chapter 60 of the Kansas Statutes Annotated, concerning attachment and garnishment.

Section 3 amends K.S.A. 22-3424 to provide that orders of restitution are enforced pursuant to K.S.A. 20-169 and 21-6604(b)(2) instead of K.S.A. 60-4301 and 60-4304. The bill also repeals K.S.A. 60-4301, 60-4302, 60-4303, 60-4104 and 60-4105. These statutes provided for the civil enforcement of criminal restitution.

Section 4 amends K.S.A. 60-2310 to change a cross-reference related to the contracts entered into for collection services by the courts. The statute currently references K.S.A. 75-719, which was transferred, and this changes the reference to K.S.A. 20-169.

Finally, Section 5 amends K.S.A. 60-2403 to provide that undisputed payments made prior to a request for a release of judgment are voluntary and not subject to refund or recoupment.