

HOUSE BILL No. 2073

By Committee on Corrections and Juvenile Justice

1-18

Proposed Amendments to HB 2073 - technical
House Corrections and Juvenile Justice Committee
Prepared by the Office of Revisor of Statutes
February 2, 2023

1 AN ACT concerning children and minors; relating to juvenile offenders;
2 the revised Kansas juvenile justice code; prohibiting fines, fees and
3 costs from being assessed against a juvenile or a juvenile's parent,
4 guardian or custodian; amending K.S.A. 12-16,119, 20-3129, 28-170,
5 28-170a, 28-176, 38-2306, 38-2312, 38-2315, 38-2317, 38-2328, 38-
6 2331, 38-2346, 38-2348, 38-2360, 38-2361, 38-2362, 38-2369, 38-
7 2373, 38-2384, 38-2389, 38-2396, 38-2399 and 75-724 and K.S.A.
8 2022 Supp. 21-6609, 22-4905 and 28-177 and repealing the existing
9 sections; also repealing K.S.A. 38-2314, 38-2319, 38-2321 and 38-
10 2324 and K.S.A. 2022 Supp. 20-167.

, 38-2122

11
12 *Be it enacted by the Legislature of the State of Kansas:*

13 New Section 1. (a) In any action pursuant to the revised Kansas
14 juvenile justice code, no fines, fees, costs, court expenses, reimbursements
15 or other financial obligations shall be ordered, assessed or sought against a
16 juvenile or a juvenile's parent, guardian or custodian.

17 (b) On and after July 1, 2023:

18 (1) Any outstanding court ordered fines, fees, costs, court expenses,
19 reimbursements or other financial obligations owed by a juvenile or a
20 juvenile's parent, guardian or custodian that were assessed during the
21 course of an action pursuant to the revised Kansas juvenile justice code
22 shall be discharged and shall not be collected.

23 (2) Any juvenile who is participating in an immediate intervention
24 program, on probation, in a juvenile detention facility or juvenile
25 correctional facility or is otherwise being supervised solely because the
26 juvenile has outstanding fines, fees, costs, court expenses, reimbursements
27 or other financial obligations shall be immediately discharged.

28 (3) A juvenile, parent or guardian who is currently incarcerated in a
29 correctional facility, jail, juvenile correctional facility or juvenile detention
30 facility solely because of nonpayment of any fine, fee, cost, court expense,
31 reimbursement or other financial obligation imposed in an action pursuant
32 to the revised Kansas juvenile justice code shall be released from
33 custody.

34 (c) The provisions of this section shall not apply to restitution that is
35 owed by a juvenile.

36 (d) This section shall be a part of and supplemental to the revised

1 (a) Any person convicted or adjudicated of an offense that, pursuant to
2 K.S.A. 21-2511, and amendments thereto, requires submission of a DNA
3 sample upon arrest, charging or placement in custody, shall pay a separate
4 court cost of \$200 as a Kansas bureau of investigation DNA database fee
5 upon conviction or adjudication.

6 (b) The court shall order such fees regardless of whether the person's
7 DNA sample was already on file with the Kansas bureau of investigation
8 at the time such person was arrested, charged or placed in custody, unless
9 the person can prove to the court that the person: (1) Has paid such fees in
10 connection with a prior conviction or adjudication; and (2) did not submit
11 specimens of blood or an oral or other biological sample authorized by the
12 Kansas bureau of investigation to the Kansas bureau of investigation for
13 the current offense of conviction or adjudication.

14 (c) The court shall not lessen or waive such fees unless the court has
15 determined such person is indigent and the basis for the court's
16 determination is reflected in the court's order.

17 (d) Such fees shall be in addition to and not in substitution for any
18 and all fines and penalties otherwise provided for by law for such offense.

19 (e) Disbursements from the Kansas bureau of investigation DNA
20 database fee deposited into the DNA database fee fund of the Kansas
21 bureau of investigation shall be made for the following:

22 (1) Providing DNA laboratory services;

23 (2) the purchase and maintenance of equipment for use by the
24 laboratory in performing DNA analysis; and

25 (3) education, training and scientific development of Kansas bureau
26 of investigation personnel regarding DNA analysis.

27 (f) Expenditures from the DNA database fee fund shall be made upon
28 warrants of the director of accounts and reports issued pursuant to
29 vouchers approved by the attorney general or by a person or persons
30 designated by the attorney general.

31 (g) All fees shall be remitted to the state treasurer in accordance with
32 the provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt
33 of each such remittance, the state treasurer shall deposit the entire amount
34 in the state treasury to the credit of the DNA database fee fund, which is
35 hereby established in the state treasury.

36 (h) Fees received into this fund shall be supplemental to regular
37 appropriations to the Kansas bureau of investigation.

38 (i) *The fee required by this section shall not be assessed to a juvenile*
39 *who is being adjudicated as a juvenile offender for an offense that requires*
40 *submission of a DNA sample or to such juvenile's parent, guardian or*
41 *custodian.*

42 Sec. 28. K.S.A. 12-16,119, 20-3129, 28-170, 28-170a, 28-176, 38-
43 2306, 38-2312, 38-2314, 38-2315, 38-2317, 38-2319, 38-2321, ~~38-2324,~~

38-2322,

1 38-2328, 38-2331, 38-2346, 38-2348, 38-2360, 38-2361, 38-2362, 38-
2 2369, 38-2373, 38-2384, 38-2389, 38-2396, 38-2399 and 75-724 and
3 K.S.A. 2022 Supp. 20-167, 21-6609, 22-4905 and 28-177 are hereby
4 repealed.

5 Sec. 29. This act shall take effect and be in force from and after its
6 publication in the statute book.