



Kansas County & District Attorneys Association

1200 SW 10th Avenue
Topeka, KS 66604
(785) 232-5822 Fax: (785) 234-2433
www.kcdaa.org

To: House Judiciary Committee

From: Todd Thompson

Date: February 8, 2021

Re: House Bill 2226

Chairman Patton and members of the Committee, I am Todd Thompson, Leavenworth County Attorney and Legislative Chair for the Kansas County and District Attorney's Association. Thank you for your time this afternoon to share the concerns of the KCDA with the Judiciary Committee.

I would like to first provide a little context regarding expungements. Expungements are a process for a person to seal their criminal record. The State of Kansas has made this possible for certain cases for the past forty years. There are many things a person must do to qualify for an expungement, including completing all the Court required orders, paying off monetary fees and restitution, and not committing any further crimes. Expungements can be denied for many reasons, including facts and circumstances based on an issue pertinent to the public.

My office was one of the first offices in the State to offer an Expungement Day, or a day where we worked with district court and defense counsel to help people apply for expungements. The process for this occasion required the person seeking expungement to actively participate by filling out the required paperwork, finding their case, applying, and paying court costs or in the alternative filing a poverty affidavit. Those seeking expungements had to show their interest through active participation in the process, like others who apply for an expungement either on their own or through an attorney. I can tell you the reaction of people I met that doing this process and completing this work was like receiving an award or diploma. I know people who were so proud of the achievement their initiative and participation produced that they framed their expungement record.

HB 2226 creates a new process that removes any incentive for people to reform, stay clean, and move on from their past. It makes it an automatic. Going through this process should remain an important role for people, so they feel successful. Expungements needs to remain an accomplishment and not a guarantee.

Besides the success of someone of earning their expungement, this bill does not take into the account the effects on victims or their families when they learn of their offenders seeking or receiving an expungement. When we receive an expungement request, we always call the victims for their input. I

can tell you, even though someone with a conviction may have moved on, the victims have not. Some carry that trauma with them for the rest of their lives from an offense that HB 2226 would apply to. When I receive an application for expungement from an offense that has a victim, I allow that victim their day in court with a hearing. Many of the victims want to see for themselves that the person who victimized them has reformed. HB 2226 would take that opportunity away from the victims. It may even trivialize the conviction for them.

As you all know, every facet of government work is over worked and underpaid. This bill would add a significant amount of work to prosecutor's offices that do not have the time or resources to support this new process. We got a good look at the amount of hard work involved with each expungement while processing the requests we received during our expungement day. My office alone would require another person to handle the obligation of automatic expungements required by HB 2226. The additional work would add even a bigger strain to our already overtaxed State and County budget.

Expungements are important to our justice system. They are an accomplishment for the applicant for expungement, rewarding that person for successfully putting their life in order by ridding themselves of their past errors or demons. We should not change this process. On behalf of the KCDAA I ask that this committee not advance HB 2226 for any further consideration.