



645 E. Douglas, Suite 100, Wichita, Kansas 67202 | 316-265-9311

QUENTIN C. AKER | qcaker@martinpringle.com

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To the Members of the Committee on Judiciary:

Thank you for the opportunity to provide comments on House Bill No. 2226.

My name is Quentin Aker. I serve as the City Prosecutor for El Dorado, Kansas. I am writing in support of House Bill No. 2226.

First, a lot of people do not know about expungement law. When people do know about expungement law, however, they usually know there is an associated filing fee. That filing fee alone can be a barrier to obtaining an expungement. People are also generally aware that there is paperwork to be filed regarding an expungement, and that there is no right to legal counsel for an expungement. That is another barrier. People who had appointed defense counsel guide them through the criminal process may not feel personally equipped to file for their own expungement.

Second, but still regarding the filing fee, most people do not know that that filing fee may be waived by reason of poverty. Additionally, when the filing fee cannot be waived, that fee is yet another cost we are asking people to pay once they have already served their sentence and have previously met their obligations to the court. For our most vulnerable members of the community, that filing fee can be a choice between providing for their children now or potentially accessing a better future—an unfair choice for people who have already “paid their debt” to society.

Third, even one misdemeanor conviction can have a myriad of collateral consequences. According to a database containing laws and regulations that restrict a person based on a criminal conviction, compiled by the National Institute of Justice, Kansas has more than 600 laws and regulations that in some way restrict a person based on a criminal conviction. These collateral consequences can affect a person’s ability to obtain housing, employment, education, and public assistance.

The proposed changes in House Bill No. 2226 are necessary to ensure that the most vulnerable Kansans are afforded the chance to better themselves and their futures.

Thank you.

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martinpringle.com