

February 9, 2011

The Honorable Lance Kinzer, Chairperson
House Committee on Judiciary
Statehouse, Room 165-W
Topeka, Kansas 66612

Dear Representative Kinzer:

SUBJECT: Fiscal Note for HB 2163 by House Committee on Judiciary

In accordance with KSA 75-3715a, the following fiscal note concerning HB 2163 is respectfully submitted to your committee.

HB 2163 would define the terms “biased policing” and “enforcement action.” The bill would make it unlawful to use biased policing in determining the existence of probable cause to conduct a search of an individual or a conveyance. Certain law enforcement agencies would be required to utilize a Community Advisory Board to advise the agency on policy, training, and community outreach related to biased policing. To utilize a Community Advisory Board, the law enforcement agency would have to be in a city of the first class or employ ten or more full-time law enforcement officers and not utilize a comprehensive plan as provided in HB 2163.

All law enforcement agencies in Kansas would be required to:

1. Collect certain data on traffic stops and utilize a Community Advisory Board if the agency employs ten or more full-time law enforcement officers; or
2. Work in conjunction with their community to develop a comprehensive plan to preempt biased policing as outlined in the provisions in HB 2163.

Each law enforcement agency would be required to have a detailed policy that covers the provisions specified in the bill related to biased policing. Law enforcement agencies would have one year after the effective date of HB 2163 to implement the applicable provisions related to the detailed policy prohibiting biased policing, the data collection regarding traffic stops, and the comprehensive plan. On or before July 31, every Kansas law enforcement agency would compile an annual report concerning biased policing complaints, which would be submitted to the Attorney General for review.

Biased policing complaints could be filed with either a local law enforcement agency or the Kansas Commission on Police Officers Standards and Training, or both. Current law allows a complaint to be filed with either the law enforcement agency or the Kansas Human Rights Commission. HB 2163 would eliminate the provision allowing a complaint to be filed with the Kansas Human Rights Commission.

Estimated State Fiscal Effect				
	FY 2011 SGF	FY 2011 All Funds	FY 2012 SGF	FY 2012 All Funds
Revenue	--	--	--	--
Expenditure	--	\$95,237	\$1,817	\$92,054
FTE Pos.	--	1.50	--	1.50

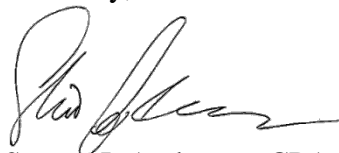
The Kansas Commission on Peace Officers Standards and Training estimates it would need \$95,237 and an additional 1.00 Investigator FTE position and a 0.50 FTE support position if HB 2163 were enacted in FY 2011. Of that amount, \$90,237 would be for salaries and wages and \$5,000 for other operating expenses. The Commission further states it would need \$90,237 in FY 2012 and FY 2013, if the bill is passed for the additional FTE positions. The agency estimates are based upon 80 complaints it indicates the Kansas Human Rights Commission has received to date since the original statutes were enacted. If HB 2163 is enacted, the Commission indicates it would need an expenditure limitation increase in its Kansas Commission on Peace Officers' Standards and Training Fund. The Division of the Budget notes that the Kansas Human Rights Commission received 3.00 FTE positions when the original law was enacted. Of these, only two positions have been filled, and only 10.0 to 20.0 percent of the two employees' time is currently devoted to racial profiling complaints.

The Kansas Highway Patrol estimates it would need \$1,817 in FY 2012 from the State General Fund for additional costs to create the forms for collecting the information on traffic stops.

The Office of Judicial Administration indicates any fiscal effect from the passage of HB 2163 to the Judicial Branch would be negligible. The Office of the Attorney General states there would be no fiscal effect to agency operations if HB 2163 were enacted. Any fiscal effect associated with HB 2163 is not reflected in *The FY 2012 Governor's Budget Report*.

The League of Kansas Municipalities states HB 2163 could have a fiscal effect to Kansas cities because of the information local law enforcement agencies would have to gather, process, and report. The League notes that some cities will have to form Community Advisory Boards and provide staff.

Sincerely,



Steven J. Anderson, CPA, MBA
Director of the Budget

cc: Eric Williams, KPOST
Mary Rinehart, Judiciary
Kim Torrey, Highway Patrol
Larry Baer, League of Kansas Municipalities
Ruth Glover, Human Rights Commission
Melissa Wangemann, Kansas Association of Counties
Meagan Pinegar, Attorney General's Office