

February 19, 2015

The Honorable John Barker, Chairperson
House Committee on Judiciary
Statehouse, Room 149-S
Topeka, Kansas 66612

Dear Representative Barker:

SUBJECT: Fiscal Note for HB 2277 by House Committee on Judiciary

In accordance with KSA 75-3715a, the following fiscal note concerning HB 2277 is respectfully submitted to your committee.

HB 2277 would enact the Kansas Child Protection Registry Act. Individuals would be able to register contact points, such as email addresses, instant messaging usernames, mobile or other phone numbers, with the registry. It would then be unlawful for a person to send communications to registered contact points if the communication advertises a product that is unlawful for minors to purchase or contains material that is harmful to minors, as defined in the bill.

HB 2277 would require the Attorney General to either establish and operate the child protection registry or contract with a third party to do so. The Attorney General's Office assumes that it would contract with a third party. Until bids have been solicited for the management of the registry the fiscal effect cannot be accurately estimated.

The Attorney General would be able to establish a fee to be paid by marketers wishing to check their list against the registry. Optimally, this fee would cover the costs of managing the registry; however the Office is unable to determine the amount of revenue that would be generated by these fees until the program is operational.

Additionally, HB 2277 would require the Attorney General to investigate violations of the Child Protection Registry Act and issue cease-and-desist orders and administrative fines for violations. Administrative fines would be up to \$2,500 for each communication sent in violation of the act. A person who intentionally violates the act would be subject to an administrative fine of up to \$5,000 for each communication. Administrative fines would be deposited in the State General Fund. The Office of the Attorney General is not able to reasonably project the amount of administrative fines that would be generated for the State General Fund. However, the Office does anticipate the need for an additional 1.00 FTE investigator, at a cost of \$52,849 for salary

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and benefits, to process and investigate complaints regarding violations of the Child Protection Registry Act. Other start-up and on-going costs for the position would be \$5,482 in FY 2016 and \$2,737 in FY 2017.

While HB 2277 would allow private parties to bring action for violations of the Child Protection Registry Act, and for the prevailing party to be awarded costs and attorneys' fees, the bill would not offer the same provision for the Attorney General. Therefore, the Attorney General's investigative expenses and costs would not be covered by revenues generated from violators of the act. Any fiscal effect associated with HB 2277 is not reflected in *The FY 2016 Governor's Budget Report*.

Sincerely,

A handwritten signature in black ink, appearing to read "Shawn Sullivan", with a horizontal line extending to the right.

Shawn Sullivan,
Director of the Budget

cc: Willie Prescott, Attorney General's Office
Mary Rinehart, Judiciary