

February 24, 2015

The Honorable Gregory Smith, Chairperson
Senate Committee on Corrections and Juvenile Justice
Statehouse, Room 441-E
Topeka, Kansas 66612

Dear Senator Smith:

SUBJECT: Fiscal Note for SB 216 by Senate Committee on Federal and State Affairs

In accordance with KSA 75-3715a, the following fiscal note concerning SB 216 is respectfully submitted to your committee.

SB 216 would enact the Investigation and Review of Deaths Involving Law Enforcement Officers Act. The bill would require that, in the event of an officer-involved death, the law enforcement agency which employs the officer would notify the Kansas Bureau of Investigation (KBI) within 48 hours of the death. The KBI would conduct an investigation of the officer-involved death with an expeditious manner and would provide a complete report to the Attorney General. If the KBI determines there is no basis to prosecute the law enforcement officer involved in the officer-involved death, the KBI would publicly release the report. If the report determines that the conduct of the law enforcement officer involved criminal wrongdoing, the Attorney General would either bring a criminal prosecution against the officer or refer the matter to a special prosecutor appointed by the Attorney General. The venue for any criminal prosecution would be in Shawnee County.

The Office of Judicial Administration states any fiscal effect resulting from the passage of SB 216 would be negligible on the Judicial Branch because any criminal prosecutions would likely be prosecuted under provisions in current law. The Attorney General indicates enactment of the bill would increase the caseload of the agency's Criminal Litigation Division. The agency estimates any increase in caseload for reviewing reports submitted by the KBI could be absorbed within existing resources; however, in the event a special prosecutor becomes necessary to prosecute a matter, the agency estimates litigation expenses from the State General Fund of \$25,000 per case.

The KBI estimates passage of SB 216 would require additional State General Fund expenditures of \$3,714,508 in FY 2016 and \$2,657,340 in FY 2017, along with an additional 28.00 FTE Agent positions. Of the FY 2016 and FY 2017 amounts, \$2,229,108 would be for salaries and wages for the additional FTE positions and \$428,232 would be for other operating

expenditures. In FY 2016, there would be one-time expenditures of \$840,000 for additional vehicles and \$217,168 would be for certification training for the new FTE positions. The KBI would establish three teams across the state to comply with the provisions in the bill. The first team would be in the northeastern region of Kansas consisting of ten agents; the second team would be in the southeastern region of Kansas consisting of ten agents; and the final team would be in the western region of Kansas consisting of eight agents. The three teams would be assigned to conduct homicide and suspicious death investigations to comply with the bill's provisions.

The Division of the Budget considers the fiscal estimate prepared by the KBI to be excessive. Although it is understandable that the agency would want to be prepared for the implementation of SB 216, it appears that the estimate includes more FTE positions as well as more operating expenditures than would be necessary. Any fiscal effect associated with SB 216 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: Shelia Sawyer-Tyler, KBI
Larry Baer, LKM
Kim Torrey, KHP
Willie Prescott, Attorney General's Office
Mary Rinehart, Judiciary