

April 1, 2015

The Honorable Jeff King, Chairperson
Senate Committee on Judiciary
Statehouse, Room 341-E
Topeka, Kansas 66612

Dear Senator King:

SUBJECT: Fiscal Note for SB 297 by Senate Committee on Judiciary

In accordance with KSA 75-3715a, the following fiscal note concerning SB 297 is respectfully submitted to your committee.

The *Kansas Constitution* permits a justice of the Supreme Court to be removed from office on impeachment for, and conviction of, treason, bribery, or other high crimes and misdemeanors. Justices may be retired if it is determined that the justice is so incapacitated as to be unable to adequately perform the justice's duties. SB 297 would expand the grounds for impeachment to include the following:

1. Commission of treason;
2. Commission of bribery;
3. Commission of other indictable criminal offenses;
4. Commission of a breach of the public trust;
5. Commission of a breach of judicial ethics;
6. Failure to perform adequately the duties of office;
7. Attempting to subvert fundamental laws and introduce arbitrary power;
8. Attempting to usurp the power of the legislative or executive branch of government;
9. Exhibiting wanton or reckless judicial conduct;
10. Exhibiting personal misbehavior or misconduct;

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11. Failure to adequately supervise subordinate employees; and
12. Other actions which in accordance with Section 28 of Article 2 of the *Constitution* of the State of Kansas may constitute grounds for impeachment.

The Office of Judicial Administration indicates that if impeachment proceedings were brought against a justice, the Judicial Branch could incur costs to provide other judges to handle the justice's work throughout the proceedings, and to sit with the court if the action is successful and a new justice is appointed. However, a precise estimate of the fiscal effect on expenditures by the Judicial Branch cannot be determined until the courts have had an opportunity to operate with the provisions of SB 297 in place.

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: Mary Rinehart, Judiciary