

STATE OF KANSAS



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GOVERNOR JEFF COLYER, M.D.
LARRY L. CAMPBELL, CHIEF BUDGET OFFICER

February 28, 2018

The Honorable Blaine Finch, Chairperson
House Committee on Judiciary
Statehouse, Room 519-N
Topeka, Kansas 66612

Dear Representative Finch:

SUBJECT: Fiscal Note for HB 2612 by House Committee on Judiciary

In accordance with KSA 75-3715a, the following fiscal note concerning HB 2612 is respectfully submitted to your committee.

HB 2612 would make it unlawful for an individual to conceal his or her identity during a public demonstration. The bill would define concealing identity during a public demonstration as wearing any mask, hood or device that hides, conceals or covers any portion of the face to conceal the identity of the wearer while participating in or remaining at a public demonstration:

1. With the intent to intimidate, threaten, abuse or harass any other person;
2. With the intent to cause another person to fear for such person's safety;
3. With the intent, by force or threat of force, to injure, intimidate or interfere with any person because of such person's exercise of any right secured by law; or
4. While engaged in conduct prohibited by law.

The bill would not apply to a person:

1. Wearing a traditional holiday costume on the occasion of the holiday;
2. Using a mask in a theatrical production; or
3. Wearing a head covering or veil for religious beliefs or customs.

Concealing identity during a public demonstration would be a Class A nonperson misdemeanor. HB 2612 specifies that an offender who violates the provisions of this section may

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also be prosecuted for, convicted of, and punished for any other offense in the Kansas Criminal Code.

The Office of Judicial Administration indicates HB 2612 has the potential for increasing litigation in the courts because of the new crimes created by the bill. If it does, the Office of Judicial Administration indicates that there would be a fiscal effect on the operations of the court system. However, it is not possible to estimate the number of additional court cases that would arise or how complex and time-consuming the cases would be. The fiscal effect would most likely be negligible and could be accommodated within the existing budget resources. Any fiscal effect associated with HB 2612 is not reflected in *The FY 2019 Governor's Budget Report*.

Sincerely,

A handwritten signature in black ink, appearing to read "L. Campbell", written in a cursive style.

Larry L. Campbell
Chief Budget Officer

cc: Ashley Michaelis, Judiciary