

March 23, 2023

The Honorable Kellie Warren, Chairperson
Senate Committee on Judiciary
300 SW 10th Avenue, Room 346-S
Topeka, Kansas 66612

Dear Senator Warren:

SUBJECT: Fiscal Note for SB 317 by Senate Committee on Federal and State Affairs

In accordance with KSA 75-3715a, the following fiscal note concerning SB 317 is respectfully submitted to your committee.

SB 317 would amend current law to eliminate the time period within which notice of claims for recovery of damages against a governmental entity from childhood sexual abuse must be filed with the entity's clerk. The bill would amend current law to allow prosecution of crimes listed in the bill to be commenced at any time. SB 317 would increase the time limit in which an action for recovery of damages may be commenced from three years after the victim turns 18 to 13 years after the victim turns 18 or three years after the date of a criminal conviction related to childhood sexual abuse.

The bill would specify that governmental entity employees who commit childhood sexual abuse would not be exempt from liability for claims. Failure of a governmental entity to adopt or enforce a policy, regulation, or law related to childhood sexual abuse and failure to exercise reasonable discretion in the supervision of a governmental employee who commits childhood sexual abuse may be considered by the trier of the fact in determining a governmental entity's negligence. SB 317 would eliminate the maximum \$500,000 liability limit for recovery of damages for childhood sexual abuse.

The Office of Judicial Administration states enactment of SB 317 could increase the number of cases filed in district court because the bill would remove the statute of limitations to file an action related to childhood sexual abuse, which would increase the time spent by judges and court employees processing and hearing cases. The Office also states enactment of the bill could result in the collection of docket fees in those cases filed under the bill's provisions, which

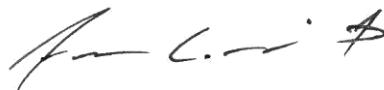
would be credited to the State General Fund. The Office states a fiscal effect cannot be estimated until the Judicial Branch has had an opportunity to operate under the bill's provisions.

The Office of the Attorney General states the agency is unable to estimate a fiscal effect as a result of any future civil lawsuits that could be filed against the state related to childhood sexual abuse. The agency also indicates because of the removal of damage caps, there could also be a fiscal effect on the Tort Claims Fund; however, the agency is not able to estimate a precise fiscal effect.

The Kansas Sentencing Commission estimates that enactment of SB 317 could increase prison admissions and the number of beds needed, but a precise effect cannot be determined. Any fiscal effect associated with SB 317 is not reflected in *The FY 2024 Governor's Budget Report*.

The Kansas Association of Counties states there could be increased costs related to prosecutions; however, the Association does not have enough information to estimate a fiscal effect related to prosecution expenditures. The League of Kansas Municipalities declined the Division of the Budget's request for a fiscal effect.

Sincerely,

A handwritten signature in black ink, appearing to read "Adam Proffitt", with a stylized flourish at the end.

Adam Proffitt
Director of the Budget

cc: John Milburn, Office of the Attorney General
Wendi Stark, League of Kansas Municipalities
Jay Hall, Kansas Association of Counties
Vicki Jacobsen, Judiciary
Paul Weisgerber, Kansas Bureau of Investigation
Scott Schultz, Sentencing Commission
Randy Bowman, Department of Corrections