

February 5, 2025

The Honorable Susan Humphries, Chairperson
House Committee on Judiciary
300 SW 10th Avenue, Room 582-N
Topeka, Kansas 66612

Dear Representative Humphries:

SUBJECT: Fiscal Note for HB 2241 by House Committee on Judiciary

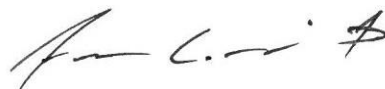
In accordance with KSA 75-3715a, the following fiscal note concerning HB 2241 is respectfully submitted to your committee.

HB 2241 would prohibit consideration by a sentencing court of a second or successive habeas motion unless: (1) the court relies on a new rule of constitutional law, made retroactive by the Kansas Supreme Court or the United States Supreme Court, and applies to the prisoner's case; or (2) the factual basis for the claim could not have been discovered previously through due diligence and the facts, if proven, would establish by clear and convincing evidence that, but for the constitutional error, no reasonable fact finder would have found the prisoner guilty. The bill would also define second and successive motions.

The bill would specify that ineffectiveness of counsel would not be grounds for relief in a subsequent action unless a claim alleges the ineffectiveness completely foreclosed the prisoner's ability to appeal or seek discretionary review by an appellate court. The bill would also specify that a prisoner sentenced to death may appeal to the Kansas Supreme Court as a matter of right and that a habeas motion filed by a prisoner sentenced to death must be expedited.

The Office of Judicial Administration indicates enactment of the bill would have a negligible fiscal effect and could be absorbed within existing resources. Any fiscal effect associated with HB 2241 is not reflected in *The FY 2026 Governor's Budget Report*.

Sincerely,



Adam C. Proffitt
Director of the Budget

cc: Trisha Morrow, Judiciary